

COURT OF CRIMINAL APPEALS NO. CR 00-2143

APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS

FROM

CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

CIRCUIT COURT NO. CC 01-30, 36

CIRCUIT JUDGE HON. GEORGE R. GREENE

Type of Conviction / Order Appealed From: UNLAW DISTRIB MARIJ X 2, POSS MARIJ

Sentence Imposed: 30 YRS PEN, CONCIURENT, \$100 VCF, \$1,000 DEMAND, ATTY FEES,

Defendant Indigent: ☒ YES ☐ NO

ROY DAVID HEATH

NAME OF APPELLANT

CHARLES E. FLOYD, III 205-297-3378

(Appellant's Attorney)

(Telephone No.)

PO BOX 759

(Address)

PHENIX CITY, AL 36868-0759

(City)

(State)

(Zip Code)

V.

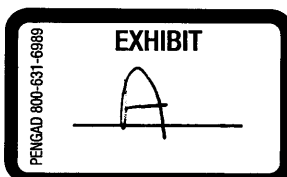
STATE OF ALABAMA

(State represented by Attorney General)

NAME OF APPELLEE

NOTE: If municipal appeal, indicate above, and enter
name and address of municipal attorney below.

(For Court of Criminal Appeals Use Only)



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ACR0370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2001 000030.00
 OPER: SHG CASE ACTION SUMMARY
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 11/30/2001
 =====
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

STATE OF ALABAMA VS HEATH ROY DAVID
 217344
 CASE: CC 2001 000030.00 9947 HWY 21 NO.
 ATMORE, AL 36503 0000

DOB: 12/23/1960 SEX: M RACE: W HT: 5 06 WT: 195 HR: BRO EYES: BRO
 SSN: 259271658 ALIAS NAMES:

=====

CHARGE01: UNLAW DISTRIB CONTRO	CODE01: UDCS	LIT: UNLAW DISTRIB	TYP: F #:	001
CHARGE04: DRIVING WHILE REVOKE	CODE04: T007		TYP: T #:	001
CHARGE05: RECKLESS ENDANGERMEN	CODE05: RECK		TYP: M #:	001

OFFENSE DATE: AGENCY/OFFICER: 0570000 SLO0035

DATE WAR/CAP ISS:	DATE ARRESTED: 05/05/2000
DATE INDICTED: 01/12/2001	DATE FILED: 01/19/2001
DATE RELEASED: 06/20/2000	DATE HEARING:
BOND AMOUNT: \$25,000.00 S	SURETIES: AAA BONDING CO.

DATE 1: 05/31/2001	DESC: SENT	TIME: 0930 A
DATE 2: 04/16/2001	DESC: JTRL	TIME: 0900 A

TRACKING NOS: DC 2000 001061 00 / /

DEF/ATY: BRITTON JOHN M	TYPE: R	TYPE:
P O DRAWER 1188		

PHENIX CITY AL 36867 00000

PROSECUTOR: EDWARDS JOSEPH W

=====

OTH CSE: DC200000106100	CHK/TICKET NO:	GRAND JURY: 172
COURT REPORTER:	SID NO: 000000000	
DEF STATUS: JAIL	DEMAND:	OPER: JDS

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
01/19/2001	SET FOR: ARRAIGNMENT ON 02/20/2001 AT 0900A (AR01)	JDS
01/30/2001	DISTRICT ATTORNEY'S FEES (\$111.04)	JDS
02/01/2001	NOTICE SENT: 02/01/2001 HEATH ROY DAVID	JDS
02/01/2001	NOTICE SENT: 02/01/2001 AAA BONDING CO.	JDS
02/16/2001	ATTORNEY FOR DEFENDANT: BRITTON JOHN M (AR10)	JDS
02/16/2001	WRITTEN PLEA OF NOT GUILTY AND WAIVER OF	JDS
02/16/2001	ARRAIGNMENT	JDS
02/20/2001	***ARRAIGNMENT ORDER***	JDS
02/20/2001	THE HON. JOHN BRITTON RETAINED, DEFENDANT	JDS
02/20/2001	WAIVES READING OF INDICTMENT AND ENTERS A	JDS
02/20/2001	PLEA OF NOT GUILTY. CASE SET ON APRIL 16, 2001	JDS
02/20/2001	TRIAL DOCKET.	JDS
02/20/2001	SET FOR: JURY TRIAL ON 04/16/2001 AT 0900A (AR10)	JDS
03/02/2001	MOTION FOR DISCOVERY BY STATE	JDS
03/02/2001	NOTICE OF PRIOR CONVICTIONS FOR SENTENCE HEARING	JDS
03/02/2001	NOTICE OF INTENT TO ADMIT CERTIFICATE OF ANALYSIS	JDS

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ACR0370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2001 000030.00
 OPER: SHG CASE ACTION SUMMARY
 AGE: 2 CIRCUIT CRIMINAL RUN DATE: 11/30/2001
 =====
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

STATE OF ALABAMA VS HEATH ROY DAVID
 217344
 CASE: CC 2001 000030.00 9947 HWY 21 NO.
 ATMORE, AL 36503 0000

DOB: 12/23/1960 SEX: M RACE: W HT: 5 06 WT: 195 HR: BRO EYES: BRO
 SSN: 259271658 ALIAS NAMES:

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
03/02/2001	MOTION FOR CONSOLIDATION OF OFFENSES	JOS
03/06/2001	ORDER ON MOTION FOR DISCOVERY BY STATE	JOS
03/12/2001	WITNESS SUBPOENAS ISSUED	JOS
03/20/2001	ORDER SETTING HEARING ON MOTION TO CONSOLIDATE FOR	JOS
03/20/2001	APRIL 11, 2001, AT 4:00 P.M.	JOS
04/09/2001	EXPLANATION OF RIGHTS AND PLEA OF GUILTY	JOS
04/09/2001	***GUILTY PLEA***	JOS
04/09/2001	ORDER OF PLEA OF GUILTY IN COUNT I, AS CHARGED IN	JOS
04/09/2001	THE INDICTMENT. DEFENDANT MAKES APPLICATION	JOS
04/09/2001	FOR PROBATION, RULING SET FOR MAY 31, 2001, AT	JOS
04/09/2001	9:30 A.M.	JOS
05/27/2001	DRUG CONV REPORTED TO DPS ON 05272001 FOR UDCS	ADC
05/31/2001	***SENTENCING ORDER***	JOS
05/31/2001	ORDER SENTENCING DEFENDANT AS A HABITUAL OFFENDER	JOS
05/31/2001	TO 30 YEARS TO THE DEPT. OF CORRECTIONS,	JOS
05/31/2001	INCLUDING 5 YEARS ENHANCEMENT PURSUANT TO	JOS
05/31/2001	13A-12-270 AND 5 YEARS ENHANCEMENT PURSUANT TO	JOS
05/31/2001	13A-12-250, CREDIT FOR TIME SERVED, \$100.00	JOS
05/31/2001	VCF, \$1,000.00 DEMAND REDUCTION ASSESSMENT	JOS
05/31/2001	ACCOUNT, \$100.00 FORENSIC SERVICES TRUST FUND	JOS
05/31/2001	ATTORNEY'S FEES, DRIVER'S LICENSE SUSPENDED FOR	JOS
05/31/2001	6 MONTHS AND COMPLETION OF SUBSTANCE ABUSE PRO-	JOS
05/31/2001	GRAM. THE DEMAND REDUCTION ASSESSMENT ACCOUNT	JOS
05/31/2001	WILL BE SUSPENDED UPON THE DEFENDANT'S AGREE-	JOS
05/31/2001	MENT TO ENROLL IN A REHABILITATION PROGRAM AND	JOS
05/31/2001	PAYMENT OF SAME. THE PAYMENT OF MONIES SHALL	JOS
05/31/2001	BE A CONDITION OF PAROLE, EARLY RELEASE, SIR OR	JOS
05/31/2001	WORK RELEASE.	JOS
06/05/2001	TRANSCRIPT OF RECORD ISSUED: 06/05/2001 (AR08)	JOS
06/05/2001	CASE ACTION SUMMARY PRINTED (AR08)	JOS
06/07/2001	TRANSCRIPT OF RECORD ISSUED: 06/07/2001 (AR08)	JOS

000003

ACR0370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2001 000030.00
 OPER: SHG CASE ACTION SUMMARY
 AGE: 3 CIRCUIT CRIMINAL RUN DATE: 11/30/2001
 =====
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

STATE OF ALABAMA VS HEATH ROY DAVID
 217344
 CASE: CC 2001 000030.00 9947 HWY 21 NO.
 ATMORE, AL 36503 0000

DOB: 12/23/1960 SEX: M RACE: W HT: 5 06 WT: 195 HR: BRO EYES: BRO
 SSN: 259271658 ALIAS NAMES:

07/11/2001	MOTION FOR APPEAL HEARING	SHG
07/11/2001	CASE APPEALED ON: 07/11/2001 (AR10)	JOS
07/11/2001	APPEAL "TO" TYPE: "0" (AR10)	JOS
07/11/2001	NOTICE OF APPEAL	JOS
07/11/2001	NOTICE OF APPEAL TO THE COURT OF CRIMINAL APPEALS	JOS
07/11/2001	BY TRIAL CLERK	JOS
08/06/2001	ADDR1 CHANGED FROM: 3 TRAPPER DRIVE (AR01)	SHG
08/09/2001	ORDER DENYING MOTION TO APPEAL HEARING	SHG
09/05/2001	REPORTERS EXTENSION TO 10-3-01	SHG
09/10/2001	AFFIDAVIT OF HARDSHIP FOR ATTORNEY	SHG
09/10/2001	FILE TO GRG	SHG
09/12/2001	ORDER DENYING AFFIDAVIT OF HARDSHIP	SHG
10/01/2001	DOCKETING STATEMENT - SIGNED BY TERESA HEATH, WIFE	SHG
10/01/2001	REPORTER'S TRANSCRIPT ORDER - SIGNED BY DEF	SHG
10/01/2001	COPY OF MOTION FOR APPOINTMENT OF COURT APPOINTED	SHG
10/01/2001	ATTORNEY AND MOTION FOR ENLARGEMENT OF TIME.	SHG
10/01/2001	FILED WITH TYPED SIGNATURE. DEF'S WIFE TO FILE	SHG
10/01/2001	ORIGINAL WITH COURT OF CRIMINAL APPEALS.	SHG
10/12/2001	ORDER FROM COURT OF CRIMINAL APPEALS GIVING TRIAL	SHG
10/12/2001	COURT 14 DAYS TO PROVIDE EVIDENCE THAT DEF	SHG
10/12/2001	WAIVED HIS RIGHT TO APPEAL.	SHG
10/16/2001	CLERKS NOTE: FAXED PLEA AGREEMENTS TO COURT OF	SHG
10/16/2001	CRIMINAL APPEALS, WANDA IVEY SAYS SHE CANNOT	SHG
10/16/2001	FIND WHERE IT SAYS HE WAIVED HIS RIGHT TO AN	SHG
10/16/2001	APPEAL.	SHG
10/17/2001	FILE TO GRG TO PROMPT COLLOQUY	SHG
10/19/2001	ORDER REMANDING CASE TO TRIAL COURT TO APPOINT	SHG
10/19/2001	COUNSEL OR ENTER WRITTEN FINDINGS AS TO WHY NOT.	SHG
10/24/2001	AFFIDAVIT OF SUBSTANTIAL HARDSHIP	SHG
10/24/2001	MOTION FOR APPOINTMENT OF COUNSEL ON APPEAL	SHG
10/24/2001	ORIG TO GRG	SHG
10/25/2001	REQUEST FOR COPIES	JOS

STATE OF ALABAMA VS HEATH ROY DAVID
217344
CASE: CC 2001 000030.00 9947 HWY 21 NO.
ATMORE, AL 36503 0000

[illegible]

BAMA UNIFORM ARREST REPORT

DC-00-1061

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 Yes
2 No1 Yes
2 No

000005

1 ORI # 0570000		2 AGENCY NAME Metro Narcotics Task Force		3 CASE # SL00.03.157		4 SFX	
5 LAST, FIRST, MIDDLE NAME Heath, Roy David				6 ALIAS AKA			
7 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	8 RACE <input checked="" type="checkbox"/> W <input type="checkbox"/> B	9 HGT. 5'6"	10 WGT. 195	11 EYE Bro	12 HAIR Bro	13 SKIN Med	14 SCARS Forearm "Theatre of Pain"
15 PLACE OF BIRTH (CITY, COUNTY, STATE) Columbus, GA		16 SSN 215 91-271-1658		17 DATE OF BIRTH 12/23/60		18 AGE 39	
20 SID #	21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCDV SUB-SECONDARY FINAL			22 DL # None		23 ST	
24 FBI #	HENRY CLASS			25 IDENTIFICATION COMMENTS			
26 <input type="checkbox"/> RESIDENT <input checked="" type="checkbox"/> NON-RESIDENT		27 HOME ADDRESS (STREET, CITY, STATE, ZIP) 3 Trapper Drive Phenix City, AL		28 RESIDENCE PHONE (334) 448-1242		29 OCCUPATION (BE SPECIFIC) N/A	
30 EMPLOYER (NAME OF COMPANY/SCHOOL) Unemployed		31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP) N/A		32 BUSINESS PHONE () N/A			
33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) 915 13th Avenue Phenix City, AL				34 SECTOR #		35 ARRESTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
36 CONDITION OF <input type="checkbox"/> DRUNK <input type="checkbox"/> SOBER <input checked="" type="checkbox"/> ARRESTEE: <input type="checkbox"/> DRINKING <input type="checkbox"/> DRUGS		37 RESIST ARREST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		38 INJURIES? <input type="checkbox"/> NONE <input type="checkbox"/> OFFICER <input type="checkbox"/> ARRESTEE		39 ARMED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
41 DATE OF ARREST 05/10/05		42 TIME OF ARREST 21:00		43 DAY OF ARREST S M T W T F S 1 2 3 4 5 6 7		44 TYPE ARREST <input checked="" type="checkbox"/> ON VIEW <input type="checkbox"/> CALL <input type="checkbox"/> WARRANT	
45 CHARGE-1 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD Distribution of Marijuana		46 UCR CODE 3560		47 CHARGE-2 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD Distribution of Marijuana		48 UCR CODE 3560	
49 STATE CODE/LOCAL ORDINANCE 13A-12-211		50 WARRANT # 00 1319		51 STATE CODE/LOCAL ORDINANCE 13A-12-211		52 WARRANT #	
53 CHARGE-3 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD Possession of Marijuana-First		54 UCR CODE 3562		55 CHARGE-4 <input type="checkbox"/> FEL <input checked="" type="checkbox"/> MISD		56 UCR CODE	
57 STATE CODE/LOCAL ORDINANCE 13A-12-213		58 WARRANT #		59 STATE CODE/LOCAL ORDINANCE		60 WARRANT #	
61 ARREST DISPOSITION <input type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> RELEASED		62 IF OUT ON RELEASE WHAT TYPE?		63 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)		64 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)	
70 VYR		71 VMA		72 VMO		73 VST	
74 VCO TOP		75 VCO BOTTOM		76 TAG #		77 LIS	
78 VIN		79 IMPOUNDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		80 STORAGE LOCATION/IMPOUND #			
81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED							
<input type="checkbox"/> CONTINUED IN NARRATIVE							
82 JUVENILE DISPOSITION: <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT <input checked="" type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY				83 RELEASED TO			
84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)				85 ADDRESS (STREET, CITY, STATE, ZIP)		86 PHONE () ()	
87 PARENTS EMPLOYER				88 OCCUPATION		89 ADDRESS (STREET, CITY, STATE, ZIP)	
90 PARENTS EMPLOYER				91 OCCUPATION		92 PHONE () ()	
93 DATE AND TIME OF RELEASE M D Y : <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM		94 RELEASING OFFICER NAME		95 AGENCY/DIVISION		96 ID #	
97 RELEASED TO:		98 AGENCY/DIVISION		99 AGENCY ADDRESS			
100 PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL		101 PROPERTY NOT RELEASED/HELD AT:		102 PROPERTY #			
103 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)							
104 SIGNATURE OF RECEIVING OFFICER Franklin, Tom							
105 ARRESTING OFFICER (LAST, FIRST, M.) Franklin, Tom							
106 PRELIMINARY HEARING: <input checked="" type="checkbox"/>							
107 SUBPOENAS: 2							
108 DATE DISPOSED:							
109 CASE NO: DC-00-1061							
110 CHARGE: Sale Marijuana							
111 DATE FILED:							
112 PRELIMINARY HEARING: <input checked="" type="checkbox"/>							
113 SUBPOENAS: 2							
114 DATE DISPOSED:							

CONSOLIDATED BOND

(District Court, Grand Jury, Circuit Court)

000006

☐ STATE OF ALABAMA

DC. 00-1061

Case Number

STATE OF ALABAMA

In the DISTRICT Court of

RUSSELL County

Roy Heath
v.
DEFENDANT

I, (Defendant) Roy Heath, as principal, and

we, A.A.A. BONDING CO., as sureties, agree to pay the

State of Alabama \$ 25,000 unless the above named defendant appears before the District

Court of said County on (Date) 9-7-00 at (Time) 9:00 or at the next session of Circuit Court of said County, or in the event of transfer, in the district or circuit court of the county of transfer; there to await the action by the grand jury and from session to session thereafter until discharged by law to

answer to the charge of Dist. of Marijuana or any other charge.

We hereby severally certify that we have property over and above all debts and liabilities to the amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we especially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time as the undersigned are duly exonerated.

Signature of Defendant

Signature of Surety

Signature of Surety

Signature of Surety

Date

Address (Print)

City

State

Zip

1319 HWY. 77 LAFAYETTE, AL.

Address (Print)

City

State

Zip

Address (Print)

City

State

Zip

Address (Print)

City

State

Zip

Approved by

Title

DEFENDANT'S INFORMATION

Date of Birth 12-23-60 Social Security Number 259-274658 Sex M

Driver's License Number State Race W

Telephone - Residence Telephone - Work

☐ Appearance Bond - Property☐ Bail Bond☐ Appearance Bond - Recognizance☐ Cash Bond

BOND AMOUNT

CLERK OF COURT
POWER OF ATTORNEY
AAA BONDING CO.
LaFayette, Alabama

No 14383

KNOW ALL BY THESE PRESENTS, THAT THE AAA BONDING CO., A COMPANY DULY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF ALABAMA HAS CONSTITUTED AND APPOINTED, AND DOES HEREBY CONSTITUTE AND APPOINT, _____

AGENT Stacy

ITS TRUE AND LAWFUL ATTORNEY-IN-FACT, WITH, FULL POWER AND AUTHORITY TO SIGN THE COMPANY'S NAME AND DELIVER ON ITS BEHALF AS SURETY, ANY AND ALL OBLIGATIONS AS HEREIN PROVIDED, AND THE EXECUTION OF SUCH OBLIGATIONS IN PURSUANCE OF THESE PRESENTS SHALL BE AS BINDING UPON THE COMPANY AS FULLY AND TO ALL INTENTS AND PURPOSES AS IF DONE BY THE REGULARLY ELECTED OFFICERS OF THE SAID COMPANY AT ITS HOME OFFICE IN THEIR PROPER PERSON; AND THE SAID COMPANY HEREBY RATIFIES AND CONFIRMS ALL AND WHATSOEVER ITS SAID ATTORNEY-IN-FACT MAY LAWFULLY DO AND PERFORM IN THE PREMISES BY VIRTUE OF THESE PRESENTS.

THIS POWER OF ATTORNEY IS VOID IF ALTERED OR ERASED. THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF TWO HUNDRED & FIFTY THOUSAND (\$250,000.000) DOLLARS AND MAY BE EXECUTED FOR RECOGNIZANCE OF BAIL BONDS ONLY, BUT INCLUDING PEACE BOND.

DATE 6-20-10 BOND AMOUNT \$ 2,500
(RELEASED FROM JAIL)OFFENSE Poss of Marijuana COURT District CITY PrichardDATE TO APPEAR IN COURT 6-7-10DEFENDANT Roy Heath

ADDRESS _____

AGENT Stacy Zempite DATE 6-20-10

SEPARATE POWER-OF-ATTORNEY MUST BE ATTACHED TO EACH BOND AND REMAIN A PERMANENT PART OF THE COURT'S RECORD IN ORDER FOR AAA BONDING CO., TO BE LIABLE. THIS POWER DOES NOT AUTHORIZE EXECUTION OF BONDS OF NE EXEAT OR ANY GUARANTEE FOR FAILURE TO PROVIDE PAYMENTS OF ALIMONY SUPPORT OF WAGE LAW CLAIMS.

WHITE-RECEIPT-Client
BOTTOM-Jail

YELLOW-Office

PINK-Remains in Book



(SEAL)

C. L. Hinkle
GENERAL MGR.

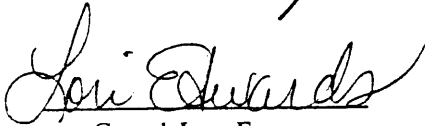
Agency No. SL0003156


DC No. 00-1061

CC No. _____

G. J. No. 172W01

A TRUE BILL, presented to the judge Presiding in open Court by the Foreperson of this Grand Jury, and filed in open court this 12 day of Jan, 2001.


Grand Jury Foreman


Clerk of the Circuit Court
of Russell County
Twenty-Sixth Judicial Circuit

CC-01-80

INDICTMENT
THE STATE OF ALABAMA

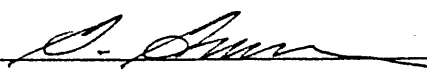
vs.

ROY D. HEATH
SID: AL01597699

*alias**None Reported***CHARGES:****SECTION**

1. DISTRIBUTION OF A CONTROLLED SUBSTANCE

Bail fixed at \$ 25,000 this 12 day of JAN, 2001.


Judge Presiding

THE STATE OF ALABAMA
RUSSELL COUNTY

CIRCUIT COURT
2001

Prosecutor: BUSTER LANDREAU

1
KENNETH DAVIS
DISTRICT ATTORNEY
TWENTY-SIXTH JUDICIAL

000113

Agency No. SL0003156

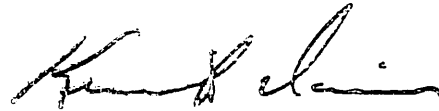
DC # 00-1061

G. J. No. 172W01000009

THE STATE OF ALABAMA, RUSSELL COUNTY
CIRCUIT COURT - TWENTY-SIXTH JUDICIAL CIRCUIT

COUNT 1

The Grand Jury of said county charge that, before the finding of this indictment, ROY D. HEATH, whose name is otherwise unknown to the Grand Jury than as stated, did unlawfully sell, furnish, give away, manufacture, deliver or distribute MARIHUANA, a controlled substance, in violation of Section 13A-12-211 of the Code of Alabama, 1975, as amended, and against the peace and dignity of the State of Alabama.



KENNETH DAVIS
District Attorney
Twenty-Sixth Judicial Circuit

WITNESSES:

KEMIKA ALLOWAY, 1001 13TH. ST. SO., BIRMINGHAM, AL 35205
AGENT JEFF EVANS, METRO NARCOTICS, ,
TOM FRANKLIN, RCSO, PHENIX CITY, AL 36867
AGENT HERRING, METRO NARCOTICS, ,

000010

State of Alabama Unified Judicial System Form C-69 Rev 6/88	PLEA OF NOT GUILTY AND WAIVER OF ARRAIGNMENT	Case Number CC-01-30,36
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IN THE Circuit COURT OF Russell COUNTY
STATE OF ALABAMA v. Roy David Heath

COMES NOW the Defendant in the above styled matter, and to the offense charged enters a plea of Not Guilty

Defendant further waives the right to have an Arraignment at which the Defendant is present in person, or at which the Defendant is represented by an attorney.

But, the Defendant specifically and expressly reserves the right upon the filing hereof to hereafter, but before trial or before such date as may be set by the Court, to interpose any special pleas or additional pleadings which the Defendant had the right as a matter of law or rule to interpose in this cause, prior to the filing hereof.

Defendant's date of birth is 12/23/60 Defendant's age is 40
The Defendant is not eligible for consideration by the Court for Youthful Offender status as provided by law.

2/16/01
Date
2/16/01
Date

Roy David Heath
Defendant
John M. Britton
Attorney for Defendant

This is to certify that I am the Attorney for the Defendant in this matter, and that I have fully explained this form and all matters set forth herein, and pertaining hereto, to the Defendant. I further state to the Court that I have explained to the Defendant his right to be Arraigned in person and his right to have me represent him at Arraignment. I further certify to the Court that my client hereby knowingly, voluntarily, and intelligently waives these rights after a full and complete explanation of each and every one of them to him by me. BOTH MYSELF AND THE DEFENDANT UNDERSTAND THAT I AM RESPONSIBLE FOR ASCERTAINING WHAT DATE, IF ANY, HAS BEEN SET BY THE COURT FOR THE MAKING OR FILING OF ANY ADDITIONAL PLEADINGS OR SPECIAL PLEAS. I FURTHER UNDERSTAND THAT I AM RESPONSIBLE FOR NOTIFYING MY CLIENT OF THE DATE HIS CASE IS SET FOR TRIAL, AND THAT I HAVE ADVISED AND INFORMED HIM THAT IN THE EVENT HE FAILS TO APPEAR ON THE DATE HIS CASE IS SET FOR TRIAL, ALL APPROPRIATE LEGAL ACTION WILL BE TAKEN BY THE COURT AGAINST THE DEFENDANT AND HIS BOND. I further certify to the Court that I have advised my client that he is responsible for obtaining the date his case is set for trial in this matter and that in the event he fails to appear on the date his case is set for trial all appropriate legal action will be taken by the Court against the Defendant and his bond, and I hereby certify that the Defendant knows that he is personally responsible for obtaining the date his case is set for trial and for being present in Court on that date.

2/16/01
Date

John M. Britton
Attorney for Defendant Signature
John M. Britton
Printed Attorney's Name
1110 Broad Street 36867
Address

This is to certify that my Attorney has explained each and every matter and right set forth in this form and I have completely and fully read and do so understand each and every matter set forth in this form. I further state to the Court that I do not wish to be personally present at an Arraignment in this case and that I do not want to have an Attorney represent me at an Arraignment and WITH FULL KNOWLEDGE OF EACH OF THESE RIGHTS, I HEREBY EXPRESSLY WAIVE SUCH RIGHTS. I further state to the Court that I have been informed of the charge against me.

2/16/01
Date

Roy David Heath
Defendant Signature
Kathy Coalter
Clerk
By: JB5

Filed in office this date 2/16/01

000011

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
)	
PLAINTIFF,	)	RUSSELL COUNTY, ALABAMA
)	
VS.	)	CASE NO.: CC <u>01-30</u>
)	
<u>Ray David Skath</u>)	
)	
DEFENDANT.)	

ARRAIGNMENT ORDER

Defendant appeared in open court on this date at which time:

X The defendant advised the Court that he/she had retained John Britton, Attorney at law, to represent him/her in these proceedings.

— The defendant advised the Court that he/she was indigent and unable to employ counsel to represent him/her in these proceedings. The Court appointed _____ an experienced and competent attorney, to represent him/her in these proceedings.

— The defendant applied for youthful offender status. Ruling on said application was set for _____ at _____.

X The defendant waived the reading of the indictment and entered a plea of not guilty to the offense charged therein.

— The Court ordered an alias writ for the defendant's failure to appeal in Court.

X Plea deadline set for April 9, 2001.

X Docket call set for April 10, 2001 at 10:00 A.M.

X This case is scheduled for trial docket of April 16, 2001.

— The defendant shall pay the sum of \$25.00 per week towards his/her attorney's fees. Payments to begin 2-26-01.

— _____

 DONE this the 20th day of February, 2001.

George Greene
 JUDGE, CIRCUIT COURT

000012

STATE OF ALABAMA

V.

ROY D. HEATH

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

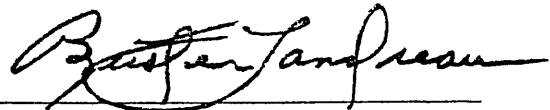
CASE NO. CC-01-030

NOTICE OF PRIOR CONVICTIONS FOR SENTENCE HEARING

Pursuant to Rule 26.6(b)(3)(ii) of the Alabama Rules of Criminal Procedure, notice is hereby given as to the following convictions which the State intends to establish in the sentence hearing of this Defendant in the event said Defendant is convicted on the instant matter, to-wit:

1. In the Superior Court of Muscogee County, Georgia, Case Number SU93CR1905, Count 1, Defendant was convicted of Aggravated Child Molestation. Said Defendant was represented by counsel.
2. In the Superior Court of Muscogee County, Georgia, Case Number SU93CR1905, Count 2, Defendant was convicted of Child Molestation. Said Defendant was represented by counsel.
3. In the Superior Court of Muscogee County, Georgia, Case Number SU93CR1905, Count 3, Defendant was convicted of Enticing a Child for Immoral Purposes. Said Defendant was represented by counsel

FILED IN OFFICE
2001 MAR -2 AM 11:45
CIRCUIT/DIST. COURT
RUSSELL CO., AL

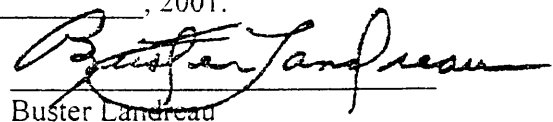


Buster Landreau
Chief Deputy District Attorney
26th Judicial Circuit
LAN034

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the foregoing upon the Hon. John Britton Attorney for Defendant by placing the same in a box reserved in said attorney's name in the Circuit Clerk's Office of Russell County.

This ____ 2nd ____ day of ____ March ____, 2001.



Buster Landreau

000013

STATE OF ALABAMA

V.

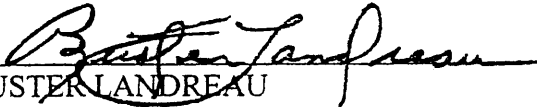
ROY D. HEATH

* IN THE CIRCUIT COURT OF
*
* RUSSELL COUNTY, ALABAMA
*
* CASE NO. CC-01-030

NOTICE OF INTENT TO ADMIT CERTIFICATE OF ANALYSIS

COMES NOW THE STATE OF ALABAMA by and through the District Attorney for Russell County and gives notice to the above named Defendant that it intends to offer proof of the nature and quantity of the substance or substances charged in this case by the certificate of analysis prepared for the State by the Alabama Department of Forensic Sciences in proper form as required by Section 12-21-300 of the Code of Alabama (1975).

KENNETH DAVIS
DISTRICT ATTORNEY


BUSTER LANDREAU
Chief Deputy District Attorney
LAN034

FILED IN OFFICE
2001 MAR -2 AM 11:45
CIRCUIT/DIST. COURT
RUSSELL CO., AL

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing notice on the Hon. **JOHN BRITTON** Counsel for Defendant by placing a copy of said notice in the receptacle reserved in his name in the Circuit Clerk's Office in the courthouse of Russell County, Alabama.

Done this 2ND Day of MARCH, 2001


Buster Landreau

000014

STATE OF ALABAMA

VS.

ROY D. HEATH

*
*
*
*
*

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-01-030

MOTION FOR DISCOVERY

Comes now the State of Alabama by and through its District Attorney, Kenneth Davis and moves the Court pursuant to Rule 16.2 of the Alabama Rules of Criminal Procedure to issue an order directed to Hon. **JOHN BRITTON** Counsel for Defendant, to-wit:

1. To permit the State to analyze, inspect, and copy or photograph books, papers, documents, photographs, audio tapes, video tapes, tangible objects, buildings or places, or portions of any of these things, which are within the possession custody, or control of the Defendant and which the Defendant intends to introduce in evidence at the trial.

2. To permit the State to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with this particular case, which are within the possession or control of the Defendant and which he intends to introduce in evidence at the trial or which were prepared by a witness whom the Defendant intends to call at the trial, if the results or reports relate to the witness's testimony.

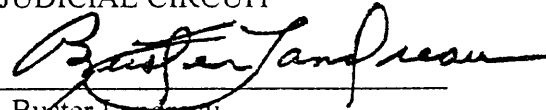
3. To produce and permit the State to inspect and copy the names and addresses of qualified mental health professionals who have personally examined the Defendant or any evidence in this case, as well as the results of or reports of mental examinations, scientific tests, experiments or comparisons and statements made by such professionals.

000015

Done this 2ND Day of MARCH, 2001.

KENNETH DAVIS
DISTRICT ATTORNEY
26TH JUDICIAL CIRCUIT

BY:



Buster Landreau
Chief Deputy District Attorney
LAN 034

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion for Discovery upon the Hon. **JOHN BRITTON**, Counsel for the Defendant, by placing the same in a receptacle reserved in his/her name in the Office of the Clerk of the Circuit Court of Russell County, Alabama.

This the 2ND Day of MARCH, 2001.



Buster Landreau

FILED IN OFFICE
2001 MAR -2 AM 11:46
CIRCUIT/JUST. COURT
RUSSELL CO., AL

000016

STATE OF ALABAMA

VS.

ROY D. HEATH

*
*
*
*
*

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-01-030,036


MOTION FOR CONSOLIDATION OF OFFENSES

The State moves the Court for an order that the above actions be tried together, upon the ground that the alleged offenses charged against the defendant in the indictment in each of said actions could have been joined as a single indictment under Rule 13 of the Alabama Rules of Criminal Procedure in that they are:

1. Of the same or similar character; or
2. Based on the same conduct or are otherwise connected in their commission; or
3. Alleged to have been part of a common scheme or plan.

By trial together of said actions, the expense of and time consumed in trial will be materially reduced.

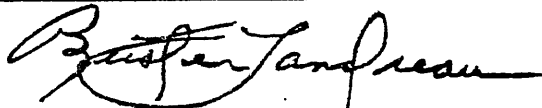
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2001 MAR -2 AM 11:45
CIRCUIT/DIST. COURT
RUSSELL CO., AL


BUSTER LANDREAU
CHIEF DEPUTY DISTRICT ATTORNEY
26TH JUDICIAL CIRCUIT
LAN 034

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the forgoing Motion upon the Hon. **JOHN BRITTON** Attorney for the Defendant by placing a copy of the same in a receptacle reserved in his name in the office of the Circuit Clerk of Russell County

Done this 2ND Day of MARCH, 2001


BUSTER LANDREAU

3/15/2001 - Hearing set 4/11/2001
at 4:00 PM

STATE OF ALABAMA,) IN THE CIRCUIT COURT OF
 PLAINTIFF,) RUSSELL COUNTY, ALABAMA
 VS.) CASE NO. CC 01-030,036
 ROY D. HEATH)
 DEFENDANT.)

000017


O R D E R

The State of Alabama, by and through its District Attorney, has filed a motion for discovery in the above case. Upon consideration of the motion, it is **ORDERED** by the Court that the Defendant shall:

1. Permit the District Attorney to analyze, inspect, and copy or photograph books, papers, documents, photographs, tangible objects, buildings or places, or portions of any of these things, which are within the possession, custody or control of the defendant and which the defendant intends to introduce in evidence at the trial.

2. Permit the District Attorney to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, which are within the possession or control of the defendant and which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at trial, if the results or reports relate to the witness's testimony.

DONE this 6th day of March, 2001.


 George R. Greene, Circuit Judge

CIRCUIT/DEPT. CLERK
 RUSSELL CO., AL

2001 MAR -6 PM 3:17

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000018

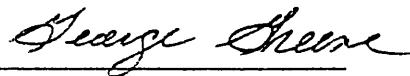
IN THE CIRCUIT COURT OF
RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA)	
PLAINTIFF)	
VS.	)	CASE NO. CC-01-30,36
ROY D. HEATH)	
DEFENDANT.)	

ORDER

It is Ordered that the above styled cause is set for a hearing for the 11th day of April, 2001 at 4:00 P.M. in Courtroom No. 1, Russell County Courthouse on the State's motion to consolidate.

Dated this the 20th day of March, 2001.



JUDGE, CIRCUIT COURT

FILED IN OFFICE
2001 MAR 29 PM 4:36
CIRCUIT COURT
RUSSELL CO., AL

000019

State of Alabama Unified Judicial System	EXPLANATION OF RIGHTS AND PLEA OF GUILTY (Habitual Felony Offender — Circuit or District Court)	Case Number <input type="checkbox"/> Count <u>CC-01-70436</u> (count #, if applicable)
Form CR-52 (front) Rev. 8/11/2000		

IN THE Circuit COURT OF Russell, ALABAMA
(Circuit or District) (Name of County)

STATE OF ALABAMA v. Ray D. Heath
Defendant

TO THE ABOVE-NAMED DEFENDANT: After the court was informed that you wish to enter a plea of guilty in this case, this is to inform you of your rights as a criminal defendant.

PENALTIES APPLICABLE TO YOUR CASE

You are charged with the crime of Distribution of Marijuana, which is a Class B Felony. The court has been informed that you desire to enter a plea of guilty to ☒ this offense or ☐ to the crime of _____ which is a Class _____ Felony. The sentencing range for the above crime(s) is set out below:

FELONY	
Class A	Not less than ten (10) years and not more than ninety-nine (99) years imprisonment in the state penitentiary, including hard labor and may include a fine not to exceed \$20,000.
Class B	Not less than two (2) years and not more than twenty (20) years imprisonment in the state penitentiary, including hard labor and may include a fine not to exceed \$10,000. For imprisonment not more than 3 years, confinement may be in county jail and sentence may include hard labor for county.
Class C	Not less than one (1) year and one (1) day and not more than ten (10) years imprisonment in the state penitentiary, including hard labor and may include a fine not to exceed \$5,000. For imprisonment not more than 3 years, confinement may be in county jail and sentence may include hard labor

You will also be ordered to pay the costs of court, which may include the fees of any appointed attorney, and restitution if there is any. You will also be ordered to pay an additional monetary penalty for the use and benefit of the Alabama Crime Victims Compensation Commission of not less than \$50 and not more than \$10,000 for each felony for which you are convicted.

As a reported habitual offender, you are further advised that the Alabama Habitual Offender Act, §13A-5-9, as amended by Act 2000-759, provides the following enhanced punishment for anyone who has been previously convicted of one or more felonies and who then is convicted of a subsequent felony:

Prior Felonies → This offense	No Prior Felonies	One Prior Felony	Two Prior Felonies	Three + Prior Felonies
Class C Felony	1 Yr. & 1 Day — 10 Years In State Penitentiary Fine Up To \$5,000	2 — 20 Years In State Penitentiary Fine Up To \$10,000	10 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	15 — 99 Years or Life In State Penitentiary Fine Up To \$20,000
Class B Felony	2 — 20 Years, In State Penitentiary Fine Up To \$10,000	10 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	15 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	Mandatory Life Imprisonment or any term of not less than 20 years Fine Up To \$20,000
Class A Felony (No prior convictions for a Class A Felony)	10 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	15 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	Life imprisonment or Any Term Of Years Not Less Than 99 Fine Up To \$20,000	Mandatory Imprisonment For Life or Life Imprisonment Without Possibility of Parole Fine Up To \$20,000
Class A Felony (One or more prior convictions for any Class A Felony)	10 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	15 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	Life imprisonment or Any Term Of Years Not Less Than 99 Fine Up To \$20,000	Mandatory Imprisonment For Life Without Possibility of Parole Fine Up To \$20,000

This crime is also subject to the following enhancements or additional penalties as provided by law: (Provisions Checked Apply To Your Case)

☐ **Enhanced Punishment For Use Of Firearm Or Deadly Weapon:** §13A-5-6, *Code of Alabama* 1975, provides for sentence enhancement where a "firearm or deadly weapon was used or attempted to be used in the commission of a felony." This section provides for the following punishment in such event: For the commission of a Class A Felony, a term of imprisonment of not less than 20 years; for the commission of a Class B or Class C Felony, a term of imprisonment of not less than 10 years;

☒ **Enhanced Punishment for Drug Sale Near School:** §13A-12-250, *Code of Alabama* 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public or private school, college, university or other educational institution, must be punished by an additional penalty of five years imprisonment in a state correctional facility for each violation. This period of imprisonment is mandatory and the punishment imposed shall not be suspended or probation granted.

☒ **Enhanced Punishment for Drug Sale Near Housing Project:** §13A-12-270, *Code of Alabama* 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public housing project owned by a housing authority must be punished by an additional penalty of five years' imprisonment in a state correctional facility for each violation. This period of imprisonment is mandatory and the punishment imposed shall not be suspended or probation granted.

☐ **Enhanced Punishment For Sales Of Controlled Substance To Anyone Under 18:** §13A-12-215, *Code of Alabama* 1975, provides that anyone convicted of selling, furnishing, or giving away a controlled substance to one who has not yet attained the age of 18 years, shall be guilty of a Class A Felony and the punishment imposed shall not be suspended or probation granted.

☐ **Drug Demand Reduction Assessment Act and Loss of Driving Privileges:** Section 13A-12-281 provides that, if you are convicted of a violation of §13A-12-202 (criminal solicitation to commit controlled substance crime), 13A-12-203 (attempt to commit a controlled substance crime), 13A-12-204 (criminal conspiracy), 13A-12-211 (unlawful distribution of a controlled substance), 13A-12-212 (unlawful possession or receipt of a controlled substance), 13A-12-213 (unlawful possession of marijuana, 1st), 13A-12-215 (sale, furnishing, etc., of controlled substance by person over age 18 to person under age 18) or 13A-12-231 (drug trafficking), *Code of Alabama* 1975, you shall be assessed an additional fee of \$1,000 if you are a first-time offender or

Form CR-52 (back)

Rev. 8/11/2000

EXPLANATION OF RIGHTS AND PLEA OF GUILTY

(Habitual Felony Offender -- Circuit or District Court)

\$2,000 if you are a repeat offender under one of these sections. Collection of all or part of the penalty will be suspended if, with court approval, you enter a drug rehabilitation program and if you agree to pay for a part or all of the program costs. Upon successful completion of the program, you may apply to the court to reduce the penalty by the amount actually paid by you for participation in the program. Any suspension of the penalty can be withdrawn by the court if you fail to enroll in or successfully pursue or otherwise fail to complete an approved program. In addition, pursuant to §13A-12-214 (unlawful possession of marijuana in the second degree), §32-5A-191(a)(3) or §32-5A-191(a)(4) (DUI offenses involving drugs), you will lose your privilege to drive a motor vehicle for a period of six months, which shall be in addition to any suspension or revocation otherwise provided by law.

☐ **Alcohol/Drug Related Offenses:** If you are convicted of an alcohol or drug-related offense, you will be required to undergo an evaluation for substance abuse. Based upon the results of any such evaluation, you will be required to complete the recommended course of education and/or treatment and to pay for the evaluation and any cost of program to which you are referred. Failure to submit to an evaluation or failure to complete any program to which you may be referred will be considered a violation of any probation or parole you may be granted. You may also be required to attend monitoring sessions, including random drug and alcohol testing or blood, urine and/or breath, tests and to pay a fee for this service. You may request a waiver of part of all of the fees assessed if you are indigent or for any portion of time you are financially unable to pay. Community service may be ordered by the court in lieu of the monetary payment of fees.

☐ **DNA Samples for Criminal Offenses in §36-18-24:** Section 36-18-25(e), *Code of Alabama* 1975, provides that, all persons convicted of any of the offenses set out in §36-18-24 (felony offense or any offense contained in Chapter 6 of Title 13A - offenses involving danger to the person - or attempt, conspiracy, or solicitation thereof), shall be ordered by the court to submit to the taking of a DNA sample or samples.

☐ **Drug Possession:** If you are convicted in any court of this state for drug possession, drug sale, drug trafficking, or drug paraphernalia offenses as defined in §§13A-12-211 to 13A-12-260, inclusive, *Code of Alabama* 1975, an additional fee of \$100.00 will be assessed pursuant to §36-18-7, *Code of Alabama* 1975.

☐ **Other:** _____

RIGHTS YOU HAVE AND WAIVER OF YOUR RIGHTS

Under the Constitution of the United States and the Constitution and laws of the State of Alabama, you have a right to remain silent and you may not be compelled to give evidence against yourself. Your attorney cannot disclose any confidential talks he/she has had with you. You are not required to answer any questions. If you do answer questions knowing that you have a right to remain silent, you will have waived this right.

You have the right to enter, and continue to assert, a plea of "Not Guilty" or "Not Guilty by Reason of Mental Disease or Defect," and have a public trial before a duly selected jury. The jury would decide your guilt or innocence based upon the evidence presented before them. If you elect to proceed to trial, you would have the right to be present, you would have the right to have your attorney present to assist you, you would have the right to confront and cross examine your accuser(s) and all the State's witnesses, you would have the right to subpoena witnesses to testify on your behalf and to have their attendance in court and their testimony required by the court, and you would have the right to take the witness stand and to testify, but only if you chose to do so, as no one can require you to do this. If you elect to testify, you can be cross examined by the State, just as any other witness is subjected to cross examination. If you decide not to testify, no one but your attorney will be allowed to comment about that fact to the jury. Your attorney is bound to do everything he/she can honorably and reasonably do to see that you obtain a fair and impartial trial.

If you elect to proceed to trial, you come to court presumed to be innocent. This presumption of innocence will follow you throughout the trial until the State produces sufficient evidence to convince the jury (or the court if the trial is non-jury) of your guilt beyond a reasonable doubt. You have no burden of proof in this case. If the State fails to meet its burden, you would be found not guilty. If you are entering a guilty plea to a charge for which you have not yet been indicted, you are waiving indictment by a grand jury and you will be pleading guilty to a charge preferred against you by a District Attorney's Information filed with the court.

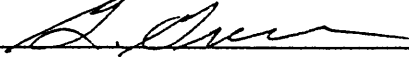
IF YOU PLEAD GUILTY, THERE WILL BE NO TRIAL. YOU WILL BE WAIVING THE RIGHTS OUTLINED ABOVE, EXCEPT YOUR RIGHTS RELATING TO REPRESENTATION BY AN ATTORNEY. THE STATE WILL HAVE NOTHING TO PROVE, AND YOU WILL BE CONVICTED AND SENTENCED BASED ON YOUR GUILTY PLEA. YOU WILL, HOWEVER, HAVE THE RIGHT TO APPEAL.

IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS OR THE CONSEQUENCES OF PLEADING GUILTY, PLEASE LET THE COURT KNOW NOW AND FURTHER EXPLANATION WILL BE MADE.

Date

4/9/2001

Judge

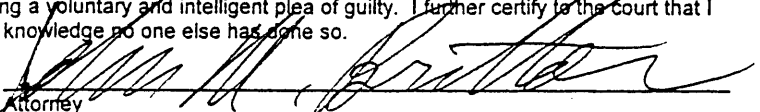
**ATTORNEY'S CERTIFICATE**

I certify that the above was fully read to the defendant by me; that I explained the penalty or penalties involved with the defendant; that I discussed in detail the defendant's rights and the consequences of pleading guilty; and that, in my judgment, the defendant understands the same and that he/she is knowingly, voluntarily, and intelligently waiving his/her rights and entering a voluntary and intelligent plea of guilty. I further certify to the court that I have in no way forced or induced the defendant to plead guilty and to my knowledge no one else has done so.

Date

4/9/01

Attorney

**DEFENDANT'S STATEMENT OF WAIVER OF RIGHTS AND PLEA OF GUILTY**

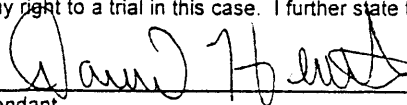
I certify to the court that my attorney has read and explained the matters set forth above; that my rights have been discussed with me in detail and fully explained; that I understand the charge or charges against me; that I understand my rights, the punishment or punishments provided by law as they may apply to my case, and I understand the consequences of pleading guilty; that I am not under the influence of any drugs, medicines, or alcoholic beverages; and I have not been threatened or abused or offered any inducement, reward, or hope of reward to plead guilty other than the terms of the plea agreement which will be stated on the record.

I further state to the court that I am guilty of the charge to which I am entering a plea of guilty, that I desire to plead guilty, that I made up my own mind to plead guilty, and that I knowingly, intelligently, and voluntarily waive my right to a trial in this case. I further state to the court that I am satisfied with my attorney's services and his/her handling of my case.

Date

4/9/01

Defendant



ROY D. HEATH

CASE NO. CC-01-030,036

STATEMENT OF ATTORNEY'S REPRESENTATION

Comes now the Defendant in the above-styled matter to honestly state under oath, as true and correct all of the following as to the representation of the Attorney(s) of Record herein.

1) Are you completely satisfied with the way your attorney has represented you in this case?

 Yes No

2) Given all the circumstances, are you completely satisfied with the settlement worked out by your attorney in this case?

 Yes No

3) Do you accept this settlement voluntarily and of your own free will?

Yes No

4) Did anyone force, coerce, threaten, or promise you anything to get you to accept this settlement?

Yes No

5) Do you have any complaints at all about your attorney or the legal representation you received in this matter?

Yes _____ No _____

I DO HEREBY CERTIFY, upon my oath before this Court, that all of the above answers are absolutely true and correct.

Ang Hunt

Defendant

Date:

4/9/01

Circuit Judge – Russell County, Alabama

000022

STATE OF ALABAMA

VS.

ROY D. HEATH

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-01-030,036

PLEA AGREEMENT

The Defendant has been indicted for the following:

<u>CASE NO.</u>	<u>OFFENSE CHARGED</u>
CC-01-030	DISTRIBUTION OF MARIJUANA
CC-01-036 COUNT 1	DISTRIBUTION OF MARIJUANA
COUNT 2	POSSESSION OF MARIJUANA 1ST

Upon Defendant's plea of guilty to the charge(s) below, the District Attorney recommends the following:

<u>CASE NO.</u>	<u>OFFENSE PLED</u>
CC-01-030	DISTRIBUTION OF MARIJUANA
CC-01-036 COUNT 1	DISTRIBUTION OF MARIJUANA
COUNT 2	POSSESSION OF MARIJUANA 1ST

SENTENCE

CC-01-030 **30 YEARS** plus costs plus a \$1,000.00 penalty mandated by the Demand Reduction Assessment Act of §13A-12-281 plus \$100.00 to the Forensic Science Fund and \$100.00 to the Victim's Compensation Fund. Further, the Defendant understands that §13A-12-290 requires that the Department of Public Safety requires the suspension of the Defendant's driver's license for a period of six (6) months.

(This 30 years shall consist of 20 years for violation of §13A-12-211, an additional 5 years mandated by §13A-12-250 for a sale of a controlled substance at or near a school campus and an additional 5 years mandated by §13A-12-270 for a sale of a controlled substance at or near a public housing

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project. For purposes of this plea, the Defendant agrees to stipulate that this act occurred within three (3) miles of both a school and a housing project. No further proof of this by the State of Alabama will be required.

CC-01-036 Count 1

30 YEARS Concurrent with the sentences imposed in CC-01-030 and Count 2 hereof, plus costs plus a \$1,000.00 penalty mandated by the Demand Reduction Assessment Act of §13A-12-281 plus \$100.00 to the Forensic Science Fund and \$100.00 to the Victim's Compensation Fund. Further, the Defendant understands that §13A-12-290 requires that the Department of Public Safety requires the suspension of the Defendant's driver's license for a period of six (6) months.

(This 30 years shall consist of 20 years for violation of §13A-12-211, an additional 5 years mandated by §13A-12-250 for a sale of a controlled substance at or near a school campus and an additional 5 years mandated by §13A-12-270 for a sale of a controlled substance at or near a public housing project. For purposes of this plea, the Defendant agrees to stipulate that this act occurred within three (3) miles of both a school and a housing project. No further proof of this by the State of Alabama will be required.)

CC-01-036 Count 2

30 YEARS Concurrent with the sentences imposed in CC-01-030 and Count 1 hereof, plus costs plus a \$1,000.00 penalty mandated by the Demand Reduction Assessment Act of §13A-12-281 plus \$100.00 to the Forensic Science Fund and \$100.00 to the Victim's Compensation Fund. Further, the Defendant understands that §13A-12-290 requires that the Department of Public Safety requires the suspension of the Defendant's driver's license for a period of six (6) months.

HABITUAL OFFENDER APPLICATION

It is further agreed by the State of Alabama and the Defendant that Defendant has **Three (3)** prior felony conviction(s) and that Defendant will stipulate to same and that no further proof of this conviction need be made by the State of Alabama upon sentencing.

RESTITUTION

The Defendant, counsel for the Defendant and the District Attorney agree that restitution is due the victim(s) as follows:

CASE NO.

AMOUNT

VICTIM AND ADDRESS

000024

CC-01-030,036

none

****DEFENDANT HEREBY WAIVES HIS/HER RIGHT TO A RESTITUTION HEARING****

The Defendant is hereby ordered to pay restitution and court costs in the above-styled case. The Defendant agrees to make payments of \$100.00 _____ per month, or such amount as determined by the Probation Officer (whichever is greater) beginning 90 days subsequent to the date the Defendant was sentenced.

If the Defendant is incarcerated as a result of the sentence imposed in this case, the Defendant agrees to make payments within 90 days of release from confinement. If the Defendant receives probation as a result of the sentence imposed in this case, the Defendant agrees to make payments as delineated above and the Defendant agrees that a condition of his probation is to make regular payments.

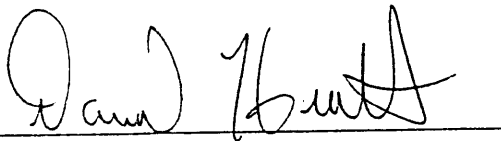
The Defendant understands that failure to make regular monthly payments will result in an additional thirty per cent (30%) collection fee being added to the balance after 90 days. Failure of the Defendant to make regular payments may result in a wage withholding order being issued by this court.

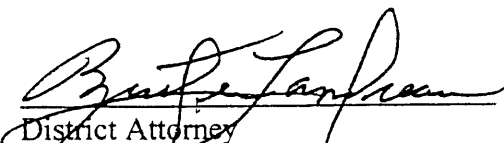
APPEAL

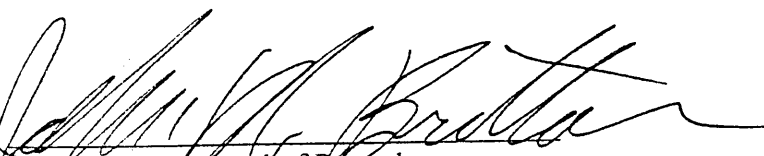
If the Defendant files any post conviction petition (including but not limited to a Rule 32 Petition, a Motion for New Trial, a Motion to Set Aside this Plea Agreement or an Appeal) the State may void this agreement and return the original charges in this matter to the Trial docket.

It is further agreed by the Defendant, counsel for the Defendant and the District attorney that upon approval of the above by the Court, the Defendant will enter a plea of guilty.

Done this the 9th day of April, 2001.


Defendant


District Attorney
BL - 3/2/2001


Defendant's Counsel of Record
John Britton

000025

PLEA OF GUILTY

CC 01-30

STATE OF ALABAMA VS. Ray David Heath

Defendant, together with his/her attorney, appeared in open court on this date at which time:

☒ The defendant, having been advised by the Court of the charge(s) embraced in the indictment and the punishment therefore, and the Court being satisfied that the defendant has been advised of his/her rights under the Constitutions of this State and the United States, the said defendant, with the consent and advise of his/her attorney, withdraws his/her plea of not guilty and pleads guilty to the offense of Distribution of Marijuana as charged in the indictment.

☐ The defendant having been advised by the Court of the charge(s) embraced in the indictment and the punishment therefore, and the Court being satisfied that the defendant has been advised of his/her rights under the Constitution of this State and the United States, by his/her attorney, withdraws his/her plea of not guilty and pleads guilty to the LESSER AND INCLUDED offense of _____ as charged in the indictment.

☐ Sentencing hearing is waived by both parties.

☐ Sentencing hearing is set for _____ at _____.

☒ Sentencing on the plea of guilty is set for 5-31-01 at 9:30 AM.

☒ Defendant makes application for probation. Ruling on said application for probation is set for 5-31-01 at 9:30 AM.

DONE this the 9th day of April, 2001.


JUDGE, CIRCUIT COURT

STATE OF ALABAMA,
VS.
ROY D. HEATH
DEFENDANT

IN THE CIRCUIT COURT OF **00026**
RUSSELL COUNTY, ALABAMA
CASE NO. CC 01-30

SENTENCING ORDER

The defendant and counsel, and counsel for the State of Alabama appeared in open court for the defendant to be sentenced on his/her conviction of DISTRIBUTION OF MARIJUANA.

HABITUAL FELONY OFFENDER

☒ The defendant is sentenced as a habitual offender under the provision of Section 13A-5-9 and 10 of the Code of Alabama.

SENTENCE

☒ The Court conducted a sentencing hearing.

☒ A pre-sentence report was requested by the defendant and considered by the Court.

☐ The defendant waived a pre-sentence investigation and report.

☒ The defendant is sentenced to the custody of the Commissioner of the Department of Corrections for a period of 30 year(s) life.

☒ Sentence to including five (5) years enhancement pursuant to 13A-12-270, Code of Alabama, and an additional five (5) years enhancement pursuant to 13A-12-250, Code of Alabama.

☐ The defendant is sentenced to the custody of the Sheriff of Russell County for a period of year(s), month(s).

☒ The defendant's sentence shall be concurrent with the sentence(s) imposed in CC-01-36, CT 1 and PT 2.

☐ The defendant shall pay restitution in the amount of \$ to . The Clerk of the Court is authorized to collect and disburse restitution. Restitution is to be paid prior to other court costs.

☐ The defendant shall be given credit for time served.

☐ The defendant shall pay a fine in the amount of \$.

☐ The defendant shall pay \$10.00 per day incarceration fee.

☒ The defendant shall pay the cost of this case.

☒ The defendant shall pay the Alabama Crime Victims Compensation Commission the sum of \$100.

☐ The defendant shall perform hours of community service.

☒ The defendant is assessed with \$1000.00 penalty mandated by the Demand Reduction Assessment Account, Section 13A-12-281 of the Code of Alabama which will be suspended upon defendant's agreement to enroll in rehabilitation program and pay for same.

000027

✓ The defendant shall undergo a substance abuse program while at the Department of Corrections.

✓ The defendant is assessed with \$100.00 to Forensic Services Trust Fund Act No. 95-733 (Codified at Section 36-18-7).

✓ The defendant's drivers license are suspended for a period of 6 months.

✓ The defendant shall reimburse the State of Alabama the costs of his/her appointed counsel.

✓ The payment of court ordered monies shall be a condition of parole, early release, S.I.R., or work release.

SUSPENDED SENTENCE

_____ The defendant's sentence is suspended, and the defendant is placed on supervised _____unsupervised probation for a period of _____;

SPLIT SENTENCE

_____ The defendant's sentence is suspended, and the defendant is placed on supervised probation for a period of _____, however, as a first condition of probation the defendant shall serve a period of _____ in the custody of the Commissioner of the Department of Corrections/Sheriff of Russell County. At the end of the defendant's incarceration, he/she shall be transported back to this Court for the imposition of further terms and conditions of probation.

BOOT CAMP

_____ The defendant shall serve up to 180 days in the custody of the Commissioner of the Department of Corrections and he shall successfully complete the disciplinary, Rehabilitation program. When said program is completed or defendant is released from said program, he shall be returned to this Court for a hearing on his application for probation.


REVERSE SPLIT SENTENCE

_____ The defendant's sentence is suspended, and the defendant is placed on supervised probation for a period of _____; however, upon completion of said probation period, the defendant shall serve a period of _____ in the custody of the Sheriff of Russell County, Alabama.

✓ The defendant was advised that he/she has the right to appeal his/her conviction and sentence, and if declared indigent he/she has the right to appointed counsel and the court reporter's transcript will be provided without cost to the defendant.

_____ A review is scheduled for _____, 2001 at _____.

DONE and ORDERED in open court this 31st day of May, 2001.



JUDGE, CIRCUIT COURT

ACR359

ALABAMA JUDICIAL DATA CENTER
RUSSELL COUNTY
TRANSCRIPT OF RECORD
CONVICTION REPORT

000028

CC 2001 000030.00 01
GEORGE R. GREENE

CIRCUIT COURT OF RUSSELL COUNTY				COURT ORI: 057015 J			
STATE OF ALABAMA VS.				DC NO: DC 2000 001061.00			
HEATH ROY DAVID				G J: 172			
3 TRAPPER DRIVE				SSN: 259271658			
PHENIX CITY AL 36867				SID: 000000000			
				AIS:			
DOB: 12/23/1960		SEX: M	HT: 5 06	WT: 195	HAIR: BRO	EYE: BRO	
RACE: (X)W ()B ()O		COMPLEXION:		AGE:	FEATURES:		
DATE OFFENSE: 00/00/0000				ARREST DATE: 05/05/2000		ARREST ORI: 0570000	
CHARGES @ CONV		CITES	CT CL COURT ACTION	CA DATE			
UNLAW DISTRIB CONT		13A-012-211	01 B GUILTY PLEA	04/09/2001			
			00	00/00/0000			
			00	00/00/0000			
JUDGE: GEORGE R. GREENE				PROSECUTOR: EDWARDS JOSEPH W			
PROBATION APPLIED		GRANTED	DATE	REARRESTED DATE		REVOKED DATE	
()Y()N		()Y()N		()Y()N		()Y()N	
15-18-8, CODE OF ALA 1975		IMPOSED	SUSPENDED	TOTAL		JAIL CREDIT	
()Y (X)N CONFINEMENT:		30 00 000	00 00 000	30 00 000		00 00 047	
PROBATION :		00 00 000		00 00 000			
DATE SENTENCED: 05/31/2001		SENTENCE BEGINS: 05/31/2001					
PROVISIONS		COSTS/RESTITUTION		DUE		ORDERED	
PENITENTIARY		RESTITUTION		\$0.00		\$0.00	
HABITUAL OFDR		ATTORNEY FEE		\$400.02		\$400.02	
DOC/SAPP PGM		CRIME VICTIMS		\$100.00		\$100.00	
ENHANCED SCH		COST		\$360.00		\$360.00	
ENHANCED PROJ		FINE		\$0.00		\$0.00	
DRUG		MUNICIPAL FEES		\$0.00		\$0.00	
		DRUG FEES		\$1360.00		\$1360.00	
		ADDTL DEFENDANT		\$0.00		\$0.00	
		DA FEES		\$0.00		\$0.00	
		COLLECTION ACCT		\$0.00		\$0.00	
		JAIL FEES		\$0.00		\$0.00	
		TOTAL		\$2220.02		\$2220.02	
APPEAL DATE		SUSPENDED		AFFIRMED		REARREST	
()Y()N		()Y()N		()Y()N		()Y()N	
REMARKS:				THIS IS TO CERTIFY THAT THE ABOVE INFORMATION WAS EXTRACTED FROM OFFICIAL COURT RECORDS AND IS TRUE AND CORRECT.			
				 KATHY COULTER 06/07/2001			

OPERATOR: JDS
PREPARED: 06/07/2001

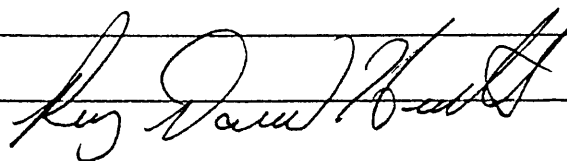
000029

CC01-30
36

7/11/01

I, Roy D. Heath AM Formally
requesting THAT, I AM Asking for AN Appeal/hearing
For The charges I WAS sentenced For, ON
May 31, 2001. I signed A plea Bargain, THAT
now I feel I WAS coerced into signing
by my Lawyer (John Britton). I do NOT Agree
with two of The Three charges. Please give
This Matter great consideration, for I have
A Family to support AND I should be working
for Them, NOT sitting in Jail.

Thank You,



Russell Cty. Jail

Roy D. Heath

P.O. Box 640

Phenix City, AL

36868

FILED IN OFFICE
2001 JUL 11 AM 9:31
CRIMINAL COURT
RUSSELL CO., AL

000030

ACR371

ALABAMA JUDICIAL DATA CENTER

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT OF RUSSELL COUNTY

STATE OF ALABAMA VS HEATH ROY DAVID

JUDGE: GEORGE R. GREENE

APPEAL DATE: 07/11/2001

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:

APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:

INDIGENT STATUS REVOKED ON APPEAL:

INDIGENT STATUS GRANTED ON APPEAL:

-----	YES	--X--	NO
-----	YES	--X--	NO
-----	YES	--X--	NO
-----	YES	--X--	NO

DEATH PENALTY: NO

APPEAL TYPE: OTHER(SPECIFY)

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION,
WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 57/CC 2001 000030.00

ORDER ENTERED(DATE): 04092001 PETITION: DISMISSED DENIED GRANTED

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 04/09/2001

DATE OF SENTENCE: 05/31/2001

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 57/CC 2001 000030.00

CODE: UDCS CONVICTION: UNLAW DISTRIB CO

ACTION: GUILTY PLEA
STATUTE: 13A-012-211SENTENCE: CONF: 30 YRS 00 MOS 000 DAYS
SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEWD: NO

POST-JUDGMENT MOTIONS FILED:	DT FILED	DT DENIED	CON BY AGREE
--- MOTION FOR NEW TRIAL	-----	-----	-----
--- MOTION FOR JUDG. OF ACQUIT	-----	-----	-----
--- MOTION TO W/D GUILTY PLEA	-----	-----	-----
--- MOTION FOR ATTY TO W/DRAW	-----	-----	-----
--- OTHER	-----	-----	-----

COURT REPORTER(S):
ADDRESS:WILSON, LINDA S.
C/O HON. GEORGE R. GREENE
PHENIX CITY, AL 36867APPELLATE COUNSEL #1:
ADDRESS:BRITTON JOHN M
P O DRAWER 1188
PHENIX CITY, AL 36867
205-298-7062

PHONE NUMBER:

APPELLATE COUNSEL #2:
ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):
ADDRESS:HEATH ROY DAVID
3 TRAPPER DRIVE
PHENIX CITY, AL 368670000

AIS #:

APPELLEE (IF CITY APPEAL):
ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 14th DAY OF July, 2001.

OPERATOR: JDS
PREPARED: 07/11/2001

CIRCUIT COURT CLERK

000031

THE STATE OF ALABAMA VS. HEATH ROY DAVID

HEATH ROY DAVID
C/O RUSSELL COUNTY JAIL
PO BOX 640
PHENIX CITY AL 36868 0000

CASE NUMBER: CC 2001 000030.00

PARTY NUMBER: DEFD

CC 2001-30
CC 2001-36

DUE TO THE DEATH OF YOUR ATTORNEY, MR. JOHN BRITTON, YOU WILL BE
CONSIDERED TO BE PRO SE AS TO YOUR PENDING APPEAL.

ATTACHED ARE THE FORMS YOU OR YOUR NEWLY RETAINED COUNSEL SHOULD
COMPLETE AND RETURN TO THE CIRCUIT CLERK'S OFFICE AS SOON AS POSSIBLE.

NOTICE ISSUED ON: 08/06/2001

CLERK: KATHY COULTER

(08/06/2001) SHG

000032

STATE OF ALABAMA	)	IN THE CIRCUIT COURT OF
)	
PLAINTIFF,	)	RUSSELL COUNTY, ALABAMA
)	
VS.	)	CASE NO.: CC 01-30,36
)	
ROY D. HEATH)	
)	
DEFENDANT.)	

ORDER

The Court taking into consideration the defendant's written Request for appeal hearing, it is therefore,

ORDERED, ADJUDGED AND DECREED that the request for appeal hearing is denied.

DONE this the 9th day of August, 2001.


JUDGE, CIRCUIT COURT

FILED IN OFFICE
2001 AUG -9 PM 4:33
CLERK OF COURT
RUSSELL CO., AL

REQUEST FOR LOCAL EXTENSION OF TIME
TO COMPLETE THE REPORTER'S TRANSCRIPT

000003

Roy David Heath
Appellant's Namev. State of Alabama
Appellee

Trial Court Case No. CC01-30

Notice of Appeal Date 7/11/01

On appeal from the: ☒ Circuit Court of☐ District Court of☐ Juvenile Court of

Russell County

I, Shida Wilson, a court reporter in the above referenced case, hereby request a 28- day extension to complete the transcript in said cause for the reasons I have set out below. Currently this transcript is due on 9/5/01, and with this extension the transcript will be due on 10/3/01.

REASONS:

Shida Wilson
Court Reporter

9/4/01
Date

TRIAL COURT ACTION

☒ Upon consideration of the above request, I hereby grant a 28- day extension to complete said transcript, thus extending the transcript's due date to 10/3/01. Upon granting this request, I direct the court reporter to file this order with the Clerk of this Court and to mail or fax a copy hereof to the Clerk of the Court of Criminal Appeals at the address noted below by no later than the transcript due date in effect immediately preceding this order.

☐ The above referenced request for a local extension is denied.

George Chene
Judge's Signature

9/4/01
Date

Note: Pursuant to Rule 11(c) of the Alabama Rules of Appellate Procedure, local extensions cannot total more than 28 days and cannot be to a date more than 84 days from the date of the notice of appeal.

State of Alabama Unified Judicial System Form C-10 Page 1 of 2	AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER	Case Number <u>000034</u> <u>CC 2001 30/36</u>
---	--	---

IN THE District Circuit COURT OF Russell, ALABAMA
 (Circuit, District, or Municipality) (Name of County or Municipality)

STYLE OF CASE: State v. Roy O. Heath
 Plaintiff(s) Defendant(s)

TYPE OF PROCEEDING: Criminal CHARGE(s) (if applicable): _____

- ☐ CIVIL CASE-- I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- ☐ CIVIL CASE-- (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the court appoint one for me.
- ☒ CRIMINAL CASE-- I am financially unable to hire an attorney and request that the court appoint one for me.
- ☐ DELINQUENCY/NEED OF SUPERVISION-- I am financially unable to hire an attorney and request that the court appoint one for my child/me.

AFFIDAVIT

SECTION I.

1. IDENTIFICATION

Full name Roy O. Heath Date of birth 12-23-60
 Spouse's full name (if married) Teresa V. Heath
 Complete home address 989 Lee Rd. L40
5A1cm, AL. 36874
 Number of people living in household 4
 Home telephone number 334-448-7322
 Occupation/Job carpenter Length of employment unemployed
 Driver's license number 7277142 *Social Security Number 259-27-1658
 Employer _____ Employer's telephone number _____
 Employer's address _____

2. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)

☐ AFDC ☐ Food Stamps ☐ SSI ☐ Medicaid ☐ Other NO

3. INCOME/EXPENSE STATEMENT

Monthly Gross Income:

Monthly Gross Income _____
 Spouse's Monthly Gross Income (unless a marital offense) _____
 Other Earnings: Commissions, Bonuses, Interest Income, etc. _____
 Contributions from Other People Living in Household _____
 Unemployment/Workmen's Compensation, _____
 Social Security, Retirements, etc. _____
 Other Income (be specific) spouse's Child Supp _____

\$ 0
480.00

300.00

TOTAL MONTHLY GROSS INCOME

\$ 780.00

Monthly Expenses:

A. Living Expenses
 Rent/Mortgage _____
 Total Utilities: Gas, Electricity, Water, etc. _____
 Food _____
 Clothing _____
 Health Care/Medical _____
 Insurance _____
 Car Payment(s)/Transportation Expenses _____
 Loan Payment(s) _____

\$ 415.00
110.00
200.00

40.00

000035

Monthly Expenses: (cont'd page 1)

Credit Card Payment(s)

Educational/Employment Expenses

Other Expenses (be specific)

Sub-Total

A \$ 765.⁰⁰

B. Child Support Payment(s)/Alimony

\$

Sub-Total

B \$

C. Exceptional Expenses

\$

TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only)

\$ 765.⁰⁰

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME

\$ 15.⁰⁰

4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit)

\$ 0

Equity in Real Estate (value of property less what you owe)

0

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe)

0

Other (be specific)

Do you own anything else of value? ☐ Yes ☒ No

(land, house, boat, TV, stereo, jewelry)

If so, describe

TOTAL LIQUID ASSETS

\$

5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

10th day of September, 2004Debra J. Prineas
Judge/Clerk/NotaryRoy David Heath
Affiant's SignatureRoy David Heath
Print or Type Name

ORDER OF COURT

SECTION II.

IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:

☒ Affiant is not indigent and request is DENIED.

☐ Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows:

☐ Affiant is indigent and request is GRANTED.☐ The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that _____, is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.

Done this _____ day of _____, _____.

Judge

Time to appeal conviction has elapsed. Defendant reached right to appeal

000036

In the Court of Criminal Appeals of Alabama
 Lane Mann, Clerk of Appellate court
 Lane Mann, Clerk of appellate court

State of Alabama,	) Case No.: Case # CR -0002143
)
Plaintiff,	) For Appeal
)
vs.)
)
Roy David Heath,)
)
Defendant)

COPY

RECEIVED
 11-17-05
 10-1-05

Motion For The Appointment of Court Appointed Attorney
 And Motion For Enlargement of Time

Defendant Roy David Heath respectfully requests that this Court enter an order appointing a court appointed attorney to represent him on this appeal. In addition, the Defendant asks for an enlargement of time in order to allow the court appointed attorney the opportunity to adequately represent the Defendant in this appeal:

1. Defendant was convicted of Unlawful Distribution, Unlawful Distribution, Possession of a Controlled Substance. In the Circuit Court of Russell County on May 31, 2001.
2. Defendant was represented by Attorney John Britton at his trial. Since the trial, Attorney John Britton has died. Defendant was represented at the trial by a paid attorney. Because the Defendant is now incarcerated and cannot work, the Defendant cannot afford to hire a new attorney to represent him in his appeal.
3. Defendant filed an affidavit of hardship showing his indigence (a copy of this denial is attached)

000037

- with the trial court and asked the trial court to appoint a court appointed attorney to represent him in his' appeal. The trial court denied the Defendant's request for a court Appointed attorney. The trial court's order is attached.
4. It is not possible for Defendant to hire him an attorney to represent him in this appeal. The Defendant has used up all his available resources in paying his trial attorney to represent him. If the Defendant is not given a court appointed attorney, the Defendant will be deprived of his legal and constitutional right to appeal and have council.
 5. Once the court appoints a court appointed attorney to Represent the Defendant, the court appointed attorney would need an enlargement of time in order to adequately represent the Defendant in this appeal.
 6. For these reasons, Defendant respectfully requests that This Court enter an order appointing a court appointed attorney to represent him in this appeal. In addition, Defendant respectfully asks that this Court grant an enlargement of time to the court appointed attorney.

Respectfully submitted this the 1st day of October 2001,

Roy David Heath

Pro Se

Roy David Heath
Fountain 3800
Atmore, Al. 36503
AIS # 21-73-44

000038

Certificate of Service

I hereby certify that I have this the 1st day of October 2001 served a copy of the foregoing upon all respondent judges and counsel in this matter by placing a copy of the foregoing upon all respondent judges and counsel in this matter by placing a copy of same in the United States mail with sufficient postage affixed thereon as follows:

Attorney General
State of Alabama

Roy David Heath

Pro Se

State of Alabama Unified Judicial System Form ARAP- 26 (front) 8/91	COURT OF CRIMINAL APPEALS DOCKETING STATEMENT	Criminal Appeal Number 000039 <u>CR-002143</u>
--	--	--

A. GENERAL INFORMATION:

☐ CIRCUIT COURT ☒ DISTRICT COURT ☐ JUVENILE COURT OF _____ COUNTY
Russell
Roy David Heath, Appellant

V. ☒ STATE OF ALABAMA ☐ MUNICIPALITY OF _____

Case Number <u>57/CC 2001 00030.00</u>	Date of Complaint or Indictment <u>4/9/01</u>	Date of Judgment/Sentence/Order <u>5/31/01</u>
Number of Days of Trial/Hearing <u>N/A</u> Days	Date of Notice of Appeal Oral: _____	Written: <u>7/11/01</u>
Indigent Status Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Indigent Status Granted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

B. REPRESENTATION:

Is Attorney Appointed or Retained? ☐ Appointed ☐ Retained. If no attorney, will appellant represent self? ☐ Yes ☒ No

Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary) <u>John Britton / deceased / pro se since 8/6/01</u>		Telephone Number _____
Address _____	City _____	State _____ Zip Code _____

C. CODEFENDANTS: List each CODEFENDANT and the codefendant's case number.

Codefendant <u>Darrin Mimms</u>	Case Number <u>0001-759</u>
Codefendant <u>Jenna Huckabee Heath</u>	Case Number _____
Codefendant _____	Case Number _____

D. TYPE OF APPEAL: Please check the applicable block.

<input checked="" type="checkbox"/> 1 State Conviction	<input type="checkbox"/> 4 Pretrial Order	<input type="checkbox"/> 7 Juvenile Transfer Order	<input type="checkbox"/> 10 Other (Specify) _____
<input type="checkbox"/> 2 Post-Conviction Remedy	<input type="checkbox"/> 5 Contempt Adjudication	<input type="checkbox"/> 8 Juvenile Delinquency	_____
<input type="checkbox"/> 3 Probation Revocation	<input type="checkbox"/> 6 Municipal Conviction	<input type="checkbox"/> 9 Habeas Corpus Petition	_____

E. UNDERLYING CONVICTION/CHARGE: Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

<input type="checkbox"/> 1 Capital Offense - § _____	<input type="checkbox"/> 6 Trafficking in Drugs - § _____	<input type="checkbox"/> 11 Fraudulent Practices - § _____
<input type="checkbox"/> 2 Homicide - § _____	<input type="checkbox"/> 7 Theft - § _____	<input type="checkbox"/> 12 Offense Against Family - § _____
<input type="checkbox"/> 3 Assault - § _____	<input type="checkbox"/> 8 Damage or Intrusion to Property - § _____	<input type="checkbox"/> 13 Traffic - DUI - § _____
<input type="checkbox"/> 4 Kidnapping/Unlawful Imprisonment - § _____	<input type="checkbox"/> 9 Escape - § _____	<input type="checkbox"/> 14 Traffic - Other - § _____
<input checked="" type="checkbox"/> 5 Drug Possession - § _____	<input type="checkbox"/> 10 Weapons/Firearms - § _____	<input checked="" type="checkbox"/> 15 Miscellaneous (Specify): <u>SALE OF CONTROL - § _____</u>

F. DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed? ☐ Yes ☒ No

G. TRANSCRIPT:

1. Will the record on appeal have a reporter's transcript? ☒ Yes ☐ No
 2. If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. OCT. 2 '01 (Date)
 3. If the answer to question "1" is "No":
 (a) Will a stipulation of facts be filed with the circuit clerk? ☒ Yes ☐ No
 (b) Will the parties stipulate that only questions of law are involved and will the trial court certify the questions? ☒ Yes ☐ No

NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No," then a positive response is required for question 3(a) or 3(b).

000010

Form ARAP-26 (back) 8/91

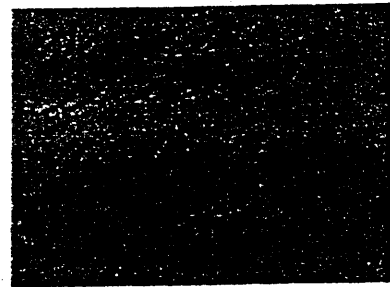
COURT OF CRIMINAL APPEALS DOCKETING STATEMENT

H. POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARCrP)):

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year
7	11	01	Appeal			

I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case.

See Attached Letter



J. ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary.)

See Attached letter

K. SIGNATURE:

September 26, '01
Date

Lucas Heath
Signature of Attorney/ Party Filing this Form

DISTRIBUTION: Original filed with Clerk of Trial Court and copies mailed to: (1) Clerk of the Court of Criminal Appeals, (2) the District Attorney, (3) the Attorney General or the municipal prosecutor in lieu of the District Attorney and the Attorney General if the appeal is from a municipal conviction, and (4) to each Court Reporter who reported proceedings designated for inclusion in the reporter's transcript.

MOTION TO COURT OF CRIMINAL
APPEALS FOR EXTENSION OF TIME
TO FILE TRANSCRIPT

000042

TO: The Clerk of the Court of Criminal Appeals
P. O. Box 301555
Montgomery, Alabama 36130-1555

Fax: (334) 242-4689

Criminal Appeals Case Number

CR 00-2143

Roy David Heath
Appellant's Name

v. State of Alabama
Appellee

Trial Court Case No. CC01-30
36

Notice of Appeal Date 7/11/01

On appeal from the: ☒ Circuit Court of
☐ District Court of
☐ Juvenile Court of

Russell County

I, Linda Wilson, a court reporter in the above referenced case,
hereby request a 28 day extension to complete the transcript in said cause for the reasons
I have set out below. Currently this transcript is due on 10/3/01, and with this extension
the transcript will be due on 10/31/01.

REASONS: _____

FILED IN OFFICE
2101 OCT -2 PM 4:24
CIRCUIT COURT
RUSSELL CO., AL

Linda Wilson
Court Reporter

10/2/01
Date

Note: Rule 11(c) of the Alabama Rules of Appellate Procedure prohibits an appellate court from granting an extension if the request is not received by the clerk of the appellate court within the time originally prescribed or before the expiration of an extension previously granted. Based on internal policy of the Court of Criminal Appeals, no more than two 28-day extensions will be granted.

COURT OF CRIMINAL APPEALS
STATE OF ALABAMA
JUDICIAL BUILDING, 300 DEXTER AVENUE
P.O. BOX 301555
MONTGOMERY, AL 36130-1555

000043

H. W. "Bucky" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
GREG SHAW
A. KELLI WISE
Judges

October 2nd, 2001

Lane W. Mann
Clerk
Wanda K. Ivey
Assistant Clerk
(334) 242-4590
FAX (334) 242-4689

RE: CR-00-2143

Roy David Heath v. State of Alabama (Appeal from Russell Circuit Court: CC01-30; CC01-36).

You are hereby notified that the following action was taken in the above cause by the Court of Criminal Appeals:

Additional time is granted to certify the completion of reporter's transcript to and including 10/31/2001.

Lane W. Mann, Clerk
Court of Criminal Appeals

LWM/sm

cc: Honorable George R. Greene, Circuit Judge
Honorable Kathy S. Coulter, Circuit Clerk ✓
Linda S. Wilson, Court Reporter
Roy David Heath, Pro Se, Appellant

THE STATE OF ALABAMA - - - JUDICIAL DEPARTMENT

000044

THE ALABAMA COURT OF CRIMINAL APPEALS

CR-00-2143

Roy David Heath, Appellant

vs.

State of Alabama, Appellee

Appeal from Russell Circuit Court No. CC01-36

ORDER

The appellant in the above referenced cause has filed a motion for appointment of counsel to represent him on his appeal of his convictions for two drug offenses. Included with the motion is a copy of the trial court's order denying the appellant's request to proceed on appeal in forma pauperis. On the order denying the appellant's request, the trial court noted that 1) time for appeal has lapsed and 2) the appellant has waived his right to appeal. With regard to the timeliness of this appeal, this Court notes that according to the information contained in the circuit clerk's transmittal of this appeal, the appellant timely filed his notice of appeal. However, this Court has nothing in the records before it to substantiate whether or not the appellant did in fact waive his right to appeal.

Upon consideration of the above, the Court of Criminal Appeals **ORDERS** that the trial court shall file evidence of the appellant's waiver of his right to appeal within 14 days from the date of this order. The evidence can be by way of a transcript of the colloquy with the defendant reflecting that he was informed of his right to appeal and that he chose to waive that right or by a copy of a signed plea agreement that indicates that the appellant waived his right to direct appeal. Finally, this Court **ORDERS** that in the event the appellant waived his right to appeal, the sufficiency of said waiver will not be considered on appeal unless that issue was preserved by way of a timely motion by the appellant to withdraw his guilty plea. See Watson v. State, [Ms. CR-00-0955, August 10, 2001] __ So.2d __ (Ala. Crim. App. 2001).

Done this 12th day of October, 2001.



H. W. "BUCKY" McMILLAN, PRESIDING JUDGE

cca/wki

cc: Circuit Judge George R. Greene
Ms. Kathy S. Coulter, Circuit Clerk
Ms. Linda S. Wilson, Court Reporter
Roy David Heath, Appellant
Kenneth Davis, Esq., District Attorney
Office of the Attorney General

000045

In The Circuit Court Of

State Of Alabama

Heath, David, Roy
Petitioner

Vs.

State Of Alabama,

Respondents

FILED IN OFFICE
OCT 25 AM 11:55
CLERK / DIST. COURT
RUSSELL CO., AL

Case No.

CC-01-30
~~CC-01-36~~ (x2)

Motion For Appointment Of Counsel:

The petitioner in the above styled action hereby moves this Honorable Court for an order entered directed that counsel be appointed to assist petitioner in this matter. This motion is supported by the following facts.

Facts In Support:

The petitioner is an inmate of the Alabama Department of Corrections with neither the means or money to retain counsel to assist him in this matter.

The petitioner is lack in legal knowledge and do not know how to proper prepare this matter for Court proceedings.

The issues involved in this matter are complex and require research and investigation that the petitioner is unable to do, because of being in prison.

As a matter of law petitioner is entitled to appointment of counsel to assist him in this matter.

The respondents will not be prejudice by the appointment of counsel in this matter.

Therefore For Good Cause:

Petitioner request that this Court appoint counsel to assist him in this matter.

Petitioner also request such other relief that this Court deems just in this matter.

Dated this 22ND day of October 2004 RDH

Raymond H. Hunt

Certificate Of Service:

I hereby certify that I have mailed a true and correct copy of the above to all parties by placing the same in the United States mail all postage paid.

Dated this 22ND day of October 2004 RDH

Raymond H. Hunt

000047

State of Alabama
Unified Judicial System

Form C-10 Rev 6/88

AFFIDAVIT of SUBSTANTIAL
HARDSHIP and ORDER

Case Number

CC01-30, 36

IN THE 26th Judicial Circuit COURT OF Russell COUNTY
Plaintiff/State Heath, David v. Defendant State of Alabama
IN THE MATTER OF: Direct Appeal

TYPE OF PROCEEDING:

CHARGE: §13A-12-211 et seq.

- ☐ CIVIL CASE—I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- ☐ CIVIL CASE (such as paternity, support, termination of parental rights) — I request an attorney be appointed for me.
- ☒ CRIMINAL CASE—I am financially unable to hire an attorney and request that the Court appoint one for me.

AFFIDAVIT

INCOME / EMPLOYMENT

A. Do you have a job or work for yourself?

Employer's name and address _____

How much money do you take home each week?

+ \$ NA

B. If unemployed, give month and year of last employment and amount earned per month

April 99, 99\$ 1200

C. Does your husband or wife have a job?

Employer's name and address _____

How much money does he/she take home each week?

+ \$ NA

D. Do you receive money or benefits from any other source?

(Example: retirement pay, social security, workmen's compensation, unemployment compensation, food stamps, rent payments, interest, dividends, etc.)

How much do you receive each month?

+ \$ NA

ASSETS

A. Do you have any money in any bank, savings and loan, credit union, or any other place, including cash on hand?

Where? _____ How much? _____

B. Do you own anything else of value? (Land, house, boat, television, stereo, jewelry, car, truck, van, stocks, bonds, etc.)

What? _____

Total Value +

Yes NA NoYes NA NoYes NA NoYes NA NoYes NA NoYes NA NoYes NA NoYes NA No

DEPENDENTS

A. Are you: _____ Single _____ Married _____ Widowed _____ Divorced

_____ Separated?

B. Do you have any dependents?

Who and what relationship?

Scott HUCKABA 3 Rebecca HUCKABA1 step childrenYes NA No

000048

What does it cost you to live each month?

\$ 50/05/80

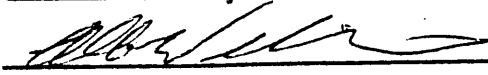
D
E
B
T
S

Creditor	Total Debt	Monthly Payment
Loans		NA
Charge Accounts		NA
House or rent payments		NA
Alimony		NA
Support		NA
Car payment		NA
Groceries		NA
Utilities		NA
Other	5000 / 7000	NA

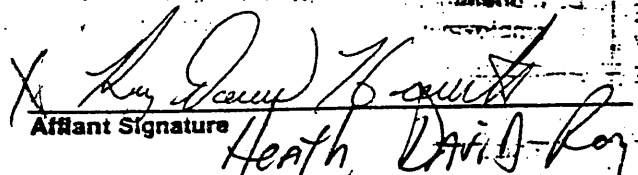
In support of this request, I have answered the above questions relating to my ability to pay. I swear that these answers are true and reflect my present financial status. I understand that a false statement or answer to any questions in this affidavit will subject me to penalties for perjury.

I further understand and acknowledge that if the Court appoints an attorney to represent me, the Court may require me to pay the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

22nd day of Oct, 2001

 Notary

Affiant Signature


 Heath, David Roy
 A.S.# 217244

ORDER

IT IS ORDERED THAT THE FOREGOING REQUEST BE:

☒ GRANTED☐ DENIED

APPOINTMENT OF ATTORNEY:

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT

Charles Floyd,

TR Attorney at Law, be and is hereby appointed as counsel to represent, assist and defend in this (these) case(s).

It is further ordered that the Court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the Court and paid to the appointed counsel.

DONE this 29th day of October, 2001



ACR371

ALABAMA JUDICIAL DATA CENTER

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS 000049

BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT OF RUSSELL COUNTY

STATE OF ALABAMA VS HEATH ROY DAVID

JUDGE: GEORGE R. GREENE

APPEAL DATE: 07/11/2001

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:	-----	YES	--X--	NO
APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:	-----	YES	--X--	NO
INDIGENT STATUS REVOKED ON APPEAL:	-----	YES	--X--	NO
INDIGENT STATUS GRANTED ON APPEAL:	--X--	YES	-----	NO

DEATH PENALTY: NO

APPEAL TYPE: OTHER(SPECIFY) -----

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 57/CC 2001 000030.00

ORDER ENTERED(DATE): 04092001 PETITION: --DISMISSED-- --DENIED-- --GRANTED--

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 04/09/2001

DATE OF SENTENCE: 05/31/2001

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 57/CC 2001 000030.00

CODE: UDCS CONVICTION: UNLAW DISTRIB CO

ACTION: GUILTY PLEA
STATUTE: 13A-012-211

SENTENCE: CONF: 30 YRS 00 MOS 000 DAYS

SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEWO: NO

POST-JUDGMENT MOTIONS FILED: DT FILED

DT DENIED

CON BY AGREE

--- MOTION FOR NEW TRIAL -----

--- MOTION FOR JUDG. OF ACQUIT -----

--- MOTION TO W/D GUILTY PLEA -----

--- MOTION FOR ATTY TO W/DRAW -----

--- OTHER -----

COURT REPORTER(S):

ADDRESS:

WILSON, LINDA S.

C/O HON. GEORGE R. GREENE

PHENIX CITY, AL 36867

APPELLATE COUNSEL #1:

ADDRESS:

FLOYD CHARLES EDDIE III

P. O. BOX 759

PHONE NUMBER:

PHENIX CITY, AL 36868

205-297-3378

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

HEATH ROY DAVID

C/O RUSSELL COUNTY JAIL

PHENIX CITY, AL 368680000

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 31 DAY OF Oct., 01.

OPERATOR: SHG

PREPARED: 10/30/2001

Kathy Carter
--- CIRCUIT COURT CLERK ---

000000

MOTION TO COURT OF CRIMINAL
APPEALS FOR EXTENSION OF TIME
TO FILE TRANSCRIPT

TO: The Clerk of the Court of Criminal Appeals
P. O. Box 301555
Montgomery, Alabama 36130-1555

Fax: (334) 242-4689

Criminal Appeals Case Number

CR 00-2143

Roy David Heath
Appellant's Name

v. State of Alabama
Appellee

Trial Court Case No. CC01-30Notice of Appeal Date 7/11/01

On appeal from the:



Circuit Court of



District Court of



Juvenile Court of

Russell

County

I, Linda Wilson, a court reporter in the above referenced case,
hereby request a 28- day extension to complete the transcript in said cause for the reasons
I have set out below. Currently this transcript is due on 10/31/01, and with this extension
the transcript will be due on 11/28/01.

REASONS:

FILED IN OFFICE
2001 OCT 30 PM 5:01
CLERK / CLERK
RUSSELL CO., AL

Linda Wilson
Court Reporter

Date

10/30/01

Note: Rule 11(c) of the Alabama Rules of Appellate Procedure prohibits an appellate court from granting an extension if the request is not received by the clerk of the appellate court within the time originally prescribed or before the expiration of an extension previously granted. Based on internal

COURT OF CRIMINAL APPEALS
STATE OF ALABAMA
JUDICIAL BUILDING, 300 DEXTER AVENUE
P.O. BOX 301555
MONTGOMERY, AL 36130-1555

000051

H. W. "Bucky" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
GREG SHAW
A. KELLI WISE
Judges

October 30th, 2001

Lane W. Mann
Clerk
Wanda K. Ivey
Assistant Clerk
(334) 242-4590
FAX (334) 242-4689

RE: CR-00-2143

Roy David Heath v. State of Alabama (Appeal from Russell Circuit Court: CC01-30; CC01-36).

You are hereby notified that the following action was taken in the above cause by the Court of Criminal Appeals:

Additional time is granted to certify the completion of reporter's transcript to and including 11/28/2001.

Lane W. Mann, Clerk
Court of Criminal Appeals

LWM/sm

cc: Honorable George R. Greene, Circuit Judge
Honorable Kathy S. Coulter, Circuit Clerk ✓
Linda S. Wilson, Court Reporter
Roy David Heath, Pro Se, Appellant

000052

ACR0370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2001 000036.00
 OPER: SHG CASE ACTION SUMMARY
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 11/30/2001
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

STATE OF ALABAMA VS HEATH ROY DAVID
 217344
 9947 HWY 21 NO.
 CASE: CC 2001 000036.00 ATMORE, AL 36503 0000

DOB: 12/23/1960 SEX: M RACE: W HT: 5 06 WT: 195 HR: BRO EYES: BRO
 SSN: 259271658 ALIAS NAMES:
 CHARGE01: UNLAW DISTRIB CONTRO CODE01: UDCS LIT: UNLAW DISTRIB TYP: F #: 001
 CHARGE02: POSS MARIJUANA 1ST CODE02: VAPF TYP: F #: 001
 OFFENSE DATE: 05/02/2000 AGENCY/OFFICER: 0570000 SL00033

DATE WAR/CAP ISS: DATE ARRESTED: 05/04/2000
 DATE INDICTED: 01/12/2001 DATE FILED: 01/19/2001
 DATE RELEASED: 06/20/2000 DATE HEARING:
 BOND AMOUNT: \$12,500.00 S SURETIES: AAA BONDING CO.

DATE 1: 05/31/2001 DESC: SENT TIME: 0903 A
 DATE 2: 04/16/2001 DESC: JTRL TIME: 0900 A

TRACKING NOS: WR 2000 001362 00 / DC 2000 001117 00 / DC 2000 001118 00
 DEF/ATY: BRITTON JOHN M TYPE: R TYPE:
 P O DRAWER 1188

PHENIX CITY AL 36867 00000

PROSECUTOR: LANDREAU BUSTER

JTH CSE: WR2000000136200 CHK/TICKET NO: GRAND JURY: 173
 COURT REPORTER: SID NO: 000000000
 DEF STATUS: PRISON DEMAND: OPER: JDS
 TRANS DATE ACTIONS, JUDGEMENTS, AND NOTES OFE
 01/19/2001 SET FOR: ARRAIGNMENT ON 02/20/2001 AT 0900A (AR01) JDS
 01/30/2001 DISTRICT ATTORNEY'S FEES (\$111.04) JDS
 02/01/2001 NOTICE SENT: 02/01/2001 HEATH ROY DAVID JDS
 02/01/2001 NOTICE SENT: 02/01/2001 AAA BONDING CO. JDS
 02/16/2001 ATTORNEY FOR DEFENDANT: BRITTON JOHN M (AR10) JDS
 02/16/2001 WRITTEN PLEA OF NOT GUILTY AND WAIVER OF JDS
 02/16/2001 ARRAIGNMENT JDS
 02/20/2001 ***ARRAIGNMENT ORDER*** JDS
 02/20/2001 THE HON. JOHN BRITTON RETAINED, DEFENDANT JDS
 02/20/2001 WAIVES READING OF INDICTMENT AND ENTERS A JDS
 02/20/2001 PLEA OF NOT GUILTY. CASE SET ON APRIL 16, 2001 JDS
 02/20/2001 TRIAL DOCKET. JDS
 02/20/2001 SET FOR: JURY TRIAL ON 04/16/2001 AT 0900A (AR10) JDS
 03/02/2001 MOTION FOR DISCOVERY BY STATE JDS
 03/02/2001 NOTICE OF PRIOR CONVICTIONS FOR SENTENCE HEARING JDS
 03/02/2001 NOTICE OF INTENT TO ADMIT CERTIFICATE OF ANALYSIS JDS
 03/02/2001 MOTION FOR CONSOLIDATION OF OFFENSES JDS

000053

ACR0370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2001 000036.00
 OPER: SHG CASE ACTION SUMMARY
 PAGE: 2 CIRCUIT CRIMINAL RUN DATE: 11/30/2001
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

STATE OF ALABAMA VS HEATH ROY DAVID
 217344
 CASE: CC 2001 000036.00 9947 HWY 21 NO.
 ATMORE, AL 36503 0000

DOB: 12/23/1960 SEX: M RACE: W HT: 5 06 WT: 195 HR: BRO EYES: BRO
 SSN: 259271658 ALIAS NAMES:

03/06/2001	ORDER ON MOTION FOR DISCOVERY BY STATE	JOS
03/12/2001	WITNESS SUBPOENAS ISSUED	JOS
03/20/2001	ORDER SETTING HEARING ON MOTION TO CONSOLIDATE FOR	JOS
03/20/2001	APRIL 11, 2001, AT 4:00 P.M.	JOS
04/09/2001	EXPLANATION OF RIGHTS AND PLEA OF GUILTY	JOS
04/09/2001	***GUILTY PLEA***	JOS
04/09/2001	ORDER OF PLEA OF GUILTY IN EACH COUNT, AS CHARGED	JOS
04/09/2001	IN THE INDICTMENT. DEFENDANT MAKES APPLICATION	JOS
04/09/2001	FOR PROBATION, RULING SET FOR MAY 31, 2001, AT	JOS
04/09/2001	9:30 A.M.	JOS
05/02/2001	CONVICTION REPORT TO BOARD OF REGISTRARS	JOS
05/27/2001	DRUG CONV REPORTED TO DPS ON 05272001 FOR UDCS	AOC
05/30/2001	SUBPOENA FEE PROVISION ORDERED BY THE COURT (AR05)	JOS
05/31/2001	***SENTENCING ORDER***	JOS
05/31/2001	ORDER SENTENCING DEFENDANT AS A HABITUAL OFFENDER	JOS
05/31/2001	TO 30 YEARS TO THE DEPT. OF CORRECTIONS,	JOS
05/31/2001	INCLUDING 5 YEARS ENHANCEMENT PURSUANT TO	JOS
05/31/2001	13A-12-270 AND 5 YEARS ENHANCEMENT PURSUANT TO	JOS
05/31/2001	13A-12-250 IN COUNT I, AND 30 YEARS TO RUN	JOS
05/31/2001	CONCURRENT TO COUNT I, AND CC-2001-30, IN COUNT	JOS
05/31/2001	II, COSTS, \$100.00 VCF IN EACH COUNT, \$100.00	JOS
05/31/2001	FORENSIC SERVICES TRUST FUND IN EACH COUNT,	JOS
05/31/2001	\$1,000.00 DEMAND REDUCTION ASSESSMENT ACCOUNT	JOS
05/31/2001	IN EACH COUNT, ATTORNEY'S FEES, DRIVER'S	JOS
05/31/2001	LICENSE SUSPENDED 6 MONTHS IN EACH COUNT,	JOS
05/31/2001	ATTORNEY'S FEES AND COMPLETION OF SUBSTANCE	JOS
05/31/2001	ABUSE PROGRAM. THE DEMAND REDUCTION ASSESSMENT	JOS
05/31/2001	ACCOUNT WILL BE SUSPENDED UPON THE DEFENDANT'S	JOS
05/31/2001	AGREEMENT TO ENROLL IN A REHABILITATION PROGRAM	JOS
05/31/2001	AND PAYMENT OF SAME. THE PAYMENT OF MONIES	JOS
05/31/2001	SHALL BE A CONDITION OF PAROLE, EARLY RELEASE,	JOS
05/31/2001	SIR OR WORK RELEASE.	JOS

000054

ACR0370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2001 000036.00
 OPER: SHG CASE ACTION SUMMARY
 PAGE: 3 CIRCUIT CRIMINAL RUN DATE: 11/30/2001
 =====
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

STATE OF ALABAMA VS HEATH ROY DAVID
 217344
 CASE: CC 2001 000036.00 9947 HWY 21 NO.
 ATMORE, AL 36503 0000

DOB: 12/23/1960 SEX: M RACE: W HT: 5 06 WT: 195 HR: BRO EYES: BRO
 SSN: 259271658 ALIAS NAMES:

06/06/2001	TRANSCRIPT OF RECORD ISSUED: 06/06/2001	(AR08)	JOS
06/06/2001	CASE ACTION SUMMARY PRINTED	(AR08)	JOS
06/07/2001	TRANSCRIPT OF RECORD ISSUED: 06/07/2001	(AR08)	JOS
07/11/2001	MOTION FOR APPEAL HEARING		SHG
07/11/2001	CASE APPEALED ON: 07/10/2001	(AR10)	JOS
07/11/2001	APPEAL "TO" TYPE: "O"	(AR10)	JOS
07/11/2001	NOTICE OF APPEAL		JOS
07/11/2001	NOTICE OF APPEAL TO THE COURT OF CRIMINAL APPEALS		JOS
07/11/2001	BY TRIAL CLERK		JOS
08/09/2001	ORDER DENYING MOTION TO APPEAL HEARING		SHG
10/01/2001	DOCKETING STATEMENT - SIGNED BY TERESA HEATH, WIFE		SHG
10/01/2001	REPORTER'S TRANSCRIPT ORDER - SIGNED BY DEF		SHG
10/01/2001	COPY OF MOTION FOR APPOINTMENT OF COURT APPOINTED		SHG
10/01/2001	ATTORNEY AND MOTION FOR ENLARGEMENT OF TIME.		SHG
10/01/2001	FILED WITH TYPED SIGNATURE. DEF'S WIFE TO FILE		SHG
10/01/2001	ORIGINAL WITH COURT OF CRIMINAL APPEALS.		SHG
10/12/2001	ORDER FROM COURT OF CRIMINAL APPEALS GIVING TRIAL		SHG
10/12/2001	COURT 14 DAYS TO PROVIDE EVIDENCE THAT DEF		SHG
10/12/2001	WAIVED HIS RIGHT TO APPEAL.		SHG
10/16/2001	CLERKS NOTE: FAXED PLEA AGREEMENTS TO COURT OF		SHG
10/16/2001	CRIMINAL APPEALS, WANDA IVEY SAYS SHE CANNOT		SHG
10/16/2001	FIND WHERE IT SAYS HE WAIVED HIS RIGHT TO AN		SHG
10/16/2001	APPEAL.		SHG
10/17/2001	FILE TO GRG TO PROMPT COLLOQUY		SHG
10/19/2001	ORDER REMANDING CASE TO TRIAL COURT TO APPOINT		SHG
10/19/2001	COUNSEL OR ENTER WRITTEN FINDINGS AS TO WHY NOT.		SHG
10/25/2001	REQUEST FOR COPIES		JOS
10/30/2001	IRA TYPE CHANGED FROM: N	(AR11)	SHG
10/30/2001	ATTY 1 CHANGED FROM: BRI016	(AR11)	SHG
10/30/2001	ATTY 1 TYPE CHANGED FROM: R	(AR11)	SHG
10/31/2001	ORDER FOR CLERK TO SEND THE DEFENDANT A COPY OF		JOS
10/31/2001	THE CASE ACTION SUMMARY		JOS

[illegible]

1 No

2 No

000056

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

IDENTIFICATION

ARREST

VEHICLE

JUVENILE

RELEASE

1 ORI # 0570000		2 AGENCY NAME Metro Narcotics Task Force		3 CASE # SL0003.157		4 SFX	
5 LAST, FIRST, MIDDLE NAME Heath, Roy David				6 ALIAS AKA			
7 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	8 RACE <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A	9 HGT. 5'6"	10 WGT. 195	11 EYE Bro	12 HAIR Bro	13 SKIN Med	14 SCARS Forearm "Theatre of Pain"
15 PLACE OF BIRTH (CITY, COUNTY, STATE) Columbus, GA		16 SSN 215 91-1271-116518		17 DATE OF BIRTH 12/23/60		18 AGE 39	
20 SID #		21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCOV SUB-SECONDARY FINAL		22 DL # None		23 ST	
24 FBI #		HENRY CLASS		25 IDENTIFICATION COMMENTS			
26 <input type="checkbox"/> RESIDENT <input checked="" type="checkbox"/> NON-RESIDENT		27 HOME ADDRESS (STREET, CITY, STATE, ZIP) 3 Trapper Drive Phenix City, AL		28 RESIDENCE PHONE (334) 448-1242		29 OCCUPATION (BE SPECIFIC) N/A	
30 EMPLOYER (NAME OF COMPANY/SCHOOL) Unemployed		31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP) N/A		32 BUSINESS PHONE N/A			
33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) 915 13th Avenue Phenix City, AL		34 SECTOR #		35 ARRESTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
36 CONDITION OF <input type="checkbox"/> DRUNK <input checked="" type="checkbox"/> SOBER ARRESTEE: <input checked="" type="checkbox"/> DRINKING <input type="checkbox"/> DRUGS		37 RESIST ARREST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		38 INJURIES? <input type="checkbox"/> NONE <input type="checkbox"/> OFFICER <input type="checkbox"/> ARRESTEE		39 ARMED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
41 DATE OF ARREST 01/10/05		42 TIME OF ARREST 21:00		43 DAY OF ARREST S M T W T F S 1 2 3 4 5 6 7		44 TYPE ARREST <input checked="" type="checkbox"/> ON VIEW <input type="checkbox"/> CALL <input type="checkbox"/> WARRANT	
45 ARRESTED BEFORE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		46 CHARGE-1 Distribution of Marijuana		47 UCR CODE 3560		48 CHARGE-2 Distribution of Marijuana	
49 STATE CODE/LOCAL ORDINANCE 13A-12-211		50 WARRANT # 00 1319		51 DATE ISSUED M D Y 1 12 21		52 STATE CODE/LOCAL ORDINANCE 13A-12-211	
53 WARRANT #		54 DATE ISSUED		55 STATE CODE/LOCAL ORDINANCE		56 WARRANT #	
57 CHARGE-3 Possession of Marijuana-First		58 UCR CODE 3562		59 CHARGE-4		60 STATE CODE/LOCAL ORDINANCE	
61 DATE ISSUED		62 STATE CODE/LOCAL ORDINANCE		63 WARRANT #		64 DATE ISSUED	
65 ARREST DISPOSITION <input type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input checked="" type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input type="checkbox"/> RELEASED		66 IF OUT ON RELEASE WHAT TYPE?		67 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)		68 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)	
69 VYR		70 VMA		71 VMO		72 VST	
73 VCO TOP		74 VCO BOTTOM		75 TAG #		76 LIS	
77 VIN		78 IMPOUNDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		79 STORAGE LOCATION/IMPOUND #		80 LIY	
81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED <input type="checkbox"/> CONTINUED IN NARRATIVE							
82 JUVENILE DISPOSITION: <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT <input checked="" type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY				83 RELEASED TO			
84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)				85 ADDRESS (STREET, CITY, STATE, ZIP)		86 PHONE ()	
87 PARENTS EMPLOYER				88 OCCUPATION		89 ADDRESS (STREET, CITY, STATE, ZIP)	
90 PARENTS EMPLOYER				91 OCCUPATION		92 PHONE ()	
93 DATE AND TIME OF RELEASE M D Y : AM PM 1 10 05 : 2 PM		94 RELEASING OFFICER NAME		95 AGENCY/DIVISION		96 ID #	
97 RELEASED TO:		98 AGENCY/DIVISION		99 AGENCY ADDRESS			
100 PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL		101 PROPERTY NOT RELEASED/HELD AT:		102 PROPERTY #			
103 REMARKS (NOTE ANY INJURY)							
104 SIGNATURE OF RECEIVING OFFICER Franklin, Tom							
105 CASE #							
106 ARRESTING OFFICER (LAST, FIRST, M. Franklin, Tom							
107 DATE FILED: DC 00 11/18							
108 CHARGE: Pos Marijuana 1st							
109 PRELIMINARY HEARING: 2							
110 SUBPOENAS: 2							
111 DATE DISPOSED:							

CONSOLIDATED BOND

(District Court, Grand Jury, Circuit Court)

000057

☐ STATE OF ALABAMA

Case Number

STATE OF ALABAMA

In the DISTRICT Court ofRUSSELL County

Roy Heath
DEFENDANT

DC-00-1118

I, (Defendant) Roy Heath, as principal, and
we, A.A.A. BONDING CO., as sureties, agree to pay the

State of Alabama \$ 2,500 unless the above named defendant appears before the District

Court of said County on (Date) 9-7-00 at (Time) 9:00 or at the
next session of Circuit Court of said County, or in the event of transfer, in the district or circuit court of the county of
transfer; there to await the action by the grand jury and from session to session thereafter until discharged by law to

answer to the charge of Poss of Marijuana 1st or any other charge.

We hereby severally certify that we have property over and above all debts and liabilities to the amount of the above
bond. We waive the benefit of all laws exempting property from levy and sale under execution or other process for the
collection of debt, by the Constitution and Laws of the State of Alabama, and we especially waive our rights to claim
exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such
time as the undersigned are duly exonerated.

Signature of Defendant

Signature of Surety

Signature of Surety

Signature of Surety

Date

Address (Print)

City

State

Zip

3704 PAPER DR PHOENIX CITY, AL 36867

Address (Print)

City

State

Zip

1319 HWY. 77 LAFAYETTE, AL.

Address (Print)

City

State

Zip

Address (Print)

City

State

Zip

Approved by

Title

DEFENDANT'S INFORMATION

Date of Birth 12-23-60 Social Security Number 254-27-1658 Sex M

Driver's License Number _____ State _____ Race W

Telephone - Residence _____ Telephone - Work _____

☐ Appearance Bond - Property☐ Bail Bond☐ Appearance Bond - Recognizance☐ Cash Bond

000058

KNOW ALL BY THESE PRESENTS, THAT THE AAA BONDING CO., A COMPANY DULY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF ALABAMA HAS CONSTITUTED AND APPOINTED, AND DOES HEREBY CONSTITUTE AND APPOINT,

AGENT Stacy

ITS TRUE AND LAWFUL ATTORNEY-IN-FACT, WITH, FULL POWER AND AUTHORITY TO SIGN THE COMPANY'S NAME AND DELIVER ON ITS BEHALF AS SURETY, ANY AND ALL OBLIGATIONS AS HEREIN PROVIDED, AND THE EXECUTION OF SUCH OBLIGATIONS IN PURSUANCE OF THESE PRESENTS SHALL BE AS BINDING UPON THE COMPANY AS FULLY AND TO ALL INTENTS AND PURPOSES AS IF DONE BY THE REGULARLY ELECTED OFFICERS OF THE SAID COMPANY AT ITS HOME OFFICE IN THEIR PROPER PERSON; AND THE SAID COMPANY HEREBY RATIFIES AND CONFIRMS ALL AND WHATSOEVER ITS SAID ATTORNEY-IN-FACT MAY LAWFULLY DO AND PERFORM IN THE PREMISES BY VIRTUE OF THESE PRESENTS.

THIS POWER OF ATTORNEY IS VOID IF ALTERED OR ERASED. THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF TWO HUNDRED & FIFTY THOUSAND (\$250,000.000) DOLLARS AND MAY BE EXECUTED FOR RECOGNIZANCE OF BAIL BONDS ONLY, BUT INCLUDING PEACE BOND.

DATE 6-20-10 BOND AMOUNT \$ 25,000
(RELEASED FROM JAIL)

OFFENSE Dist. of Marijuana COURT District CITY Prichard

DATE TO APPEAR IN COURT 9-7-10

DEFENDANT Rory Heath

ADDRESS _____

AGENT Stacy J. Smith DATE 6-20-10

SEPARATE POWER-OF-ATTORNEY MUST BE ATTACHED TO EACH BOND AND REMAIN A PERMANENT PART OF THE COURT'S RECORD IN ORDER FOR AAA BONDING CO., TO BE LIABLE. THIS POWER DOES NOT AUTHORIZE EXECUTION OF BONDS OF NE EXEAT OR ANY GUARANTEE FOR FAILURE TO PROVIDE PAYMENTS OF ALIMONY SUPPORT OF WAGE LAW CLAIMS.

WHITE-RECEIPT-Client
BOTTOM-Jail

YELLOW-Office

PINK-Remains in Book



(SEAL)

C. L. Hinkle
GENERAL MGR.

A MA UNIFORM ARREST REPORT

 Fingerprinted ☒ Yes ☐ No
 HSA Completed ☒ Yes ☐ No
 800059

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 ORI # 0570000		2 AGENCY NAME Metro Narcotics Task Force		3 CASE # SL0003157		4 SFX	
5 LAST, FIRST, MIDDLE NAME Heath, Roy David				6 ALIAS AKA			
7 SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	8 RACE <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I	9 HGT. 5'6"	10 WGT. 195	11 EYE Bro	12 HAIR Bro	13 SKIN Med	14 SCARS Scar on "Throat of Pain"
15 PLACE OF BIRTH (CITY, COUNTY, STATE) Columbus, GA		16 SSN 259-1271-1658		17 DATE OF BIRTH 12/23/60		18 AGE 39	
20 SID #		21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCOV SUB-SECONDARY FINAL				22 DL # None	
24 FBI #		HENRY CLASS				23 ST	
26 <input type="checkbox"/> RESIDENT <input checked="" type="checkbox"/> NON-RESIDENT		27 HOME ADDRESS (STREET, CITY, STATE, ZIP) 3 Trapper Drive Phenix City, AL		28 RESIDENCE PHONE (334) 448-1242		29 OCCUPATION (BE SPECIFIC) N/A	
30 EMPLOYER (NAME OF COMPANY/SCHOOL) Unemployed		31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP) N/A		32 BUSINESS PHONE N/A		33	
34 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) 915 13th Avenue Phenix City, AL				35 ARRESTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		36	
37 CONDITION OF <input type="checkbox"/> DRUNK <input type="checkbox"/> SOBER <input type="checkbox"/> ARRESTEE <input type="checkbox"/> DRINKING <input type="checkbox"/> DRUGS		38 RESIST ARREST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		39 INJURIES? <input type="checkbox"/> NONE <input type="checkbox"/> OFFICER <input type="checkbox"/> ARRESTEE		40 ARMED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
41 DATE OF ARREST 05/10/05		42 TIME OF ARREST 21:00		43 DAY OF ARREST M T W T F S S		44 TYPE ARREST <input checked="" type="checkbox"/> ON VIEW <input type="checkbox"/> CALL <input type="checkbox"/> WARRANT	
45 ARRESTED BEFORE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		46 DESCRIPTION OF WEAPON <input type="checkbox"/> HANDGUN <input type="checkbox"/> OTHER FIREARM <input type="checkbox"/> RIFLE <input type="checkbox"/> OTHER WEAPON		47 UCR CODE 3560		48 UCR CODE 3560	
49 CHARGE-1 Distribution of Marijuana		50 STATE CODE/LOCAL ORDINANCE 13A-12-211		51 WARRANT # 001319		52 DATE ISSUED M D Y	
53 CHARGE-2 Possession of Marijuana-First		54 STATE CODE/LOCAL ORDINANCE 13A-12-213		55 WARRANT #		56 DATE ISSUED M D Y	
57 ARREST DISPOSITION <input type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> RELEASED		58 IF OUT ON RELEASE WHAT TYPE?		59 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)		60 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)	
70 YVR		71 YMA		72 YMO		73 YST	
74 YCO TOP		75 YCO BOTTOM		76 TAG #		77 LIS	
78 VIN		79 IMPOUNDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		80 STORAGE LOCATION/IMPOUND #			
81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED <input type="checkbox"/> CONTINUED IN NARRATIVE							
82 JUVENILE DISPOSITION: <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT <input type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY				83 RELEASED TO			
84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)				85 ADDRESS (STREET, CITY, STATE, ZIP)		86 PHONE ()	
87 PARENTS EMPLOYER		88 OCCUPATION		89 ADDRESS (STREET, CITY, STATE, ZIP)		90 PHONE ()	
91 DATE AND TIME OF RELEASE M D Y : <input type="checkbox"/> AM <input type="checkbox"/> MIL <input type="checkbox"/> PM		92 RELEASING OFFICER NAME		93 AGENCY/DIVISION		94 ID #	
95 RELEASED TO:		96 AGENCY/DIVISION		97 AGENCY ADDRESS			
98 PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL		99 PROPERTY NOT RELEASED/HELD AT:		100 PROPERTY #			
101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)							
102 SIGNATURE OF RECEIVING OFFICER Franklin, Tom							
103 LE		104 CASE #		105 SFX		106 ADDITIONAL CASES CLOSED NARRATIVE <input type="checkbox"/> Y <input type="checkbox"/> N	
107 ARRESTING OFFICER (LAST, FIRST, M.) Franklin, Tom		108		109		110 WATCH CMDR. ID #	

 CASE NO: DC001117
 CHARGE: Sale Marijuana
 DATE FILED:
 PRELIMINARY HEARING:
 SUBPOENAS: 2
 DATE DISPOSED:

CONSOLIDATED BOND

000080

(District Court, Grand Jury, Circuit Court)

☐ STATE OF ALABAMA

OC-00-1117

Case Number

STATE OF ALABAMA

In the DISTRICT Court ofRUSSELL County

Rory Heath
DEFENDANT

I, (Defendant) Rory Heath, as principal, andwe, A.A.A. BONDING CO., as sureties, agree to pay theState of Alabama \$ 10,000 unless the above named defendant appears before the DistrictCourt of said County on (Date) 9-7-00 at (Time) 9:00 or at the next session of Circuit Court of said County, or in the event of transfer, in the district or circuit court of the county of transfer; there to await the action by the grand jury and from session to session thereafter until discharged by law toanswer to the charge of Dist. on Marijuana or any other charge.

We hereby severally certify that we have property over and above all debts and liabilities to the amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we especially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall remain in full force and effect until such time as the undersigned are duly exonerated.

X Rory Heath
Signature of Defendant

Stacy Zermiel
Signature of Surety

Signature of Surety

Signature of Surety

6-20-00
Date

3 Trapper Dr Phoenix Ct AL 36867
Address (Print) City State Zip

1319 HWY. 77 LAFAYETTE, AL.

Address (Print) City State Zip

Address (Print) City State Zip

Address (Print) City State Zip

Approved by SGT 610

Title

DEFENDANT'S INFORMATIONDate of Birth 12-23-60 Social Security Number 259-27-1658 Sex MDriver's License Number _____ State _____ Race W

Telephone - Residence _____ Telephone - Work _____

☐ Appearance Bond - Property☐ Appearance Bond - Recognizance☐ Bail Bond☐ Cash Bond

No 14382

000081

KNOW ALL BY THESE PRESENTS, THAT THE AAA BONDING CO., A COMPANY DULY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF ALABAMA HAS CONSTITUTED AND APPOINTED, AND DOES HEREBY CONSTITUTE AND APPOINT,

AGENT Stacy

ITS TRUE AND LAWFUL ATTORNEY-IN-FACT, WITH, FULL POWER AND AUTHORITY TO SIGN THE COMPANY'S NAME AND DELIVER ON ITS BEHALF AS SURETY, ANY AND ALL OBLIGATIONS AS HEREIN PROVIDED, AND THE EXECUTION OF SUCH OBLIGATIONS IN PURSUANCE OF THESE PRESENTS SHALL BE AS BINDING UPON THE COMPANY AS FULLY AND TO ALL INTENTS AND PURPOSES AS IF DONE BY THE REGULARLY ELECTED OFFICERS OF THE SAID COMPANY AT ITS HOME OFFICE IN THEIR PROPER PERSON; AND THE SAID COMPANY HEREBY RATIFIES AND CONFIRMS ALL AND WHATSOEVER ITS SAID ATTORNEY-IN-FACT MAY LAWFULLY DO AND PERFORM IN THE PREMISES BY VIRTUE OF THESE PRESENTS.

THIS POWER OF ATTORNEY IS VOID IF ALTERED OR ERASED. THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF TWO HUNDRED & FIFTY THOUSAND (\$250,000.000) DOLLARS AND MAY BE EXECUTED FOR RECOGNIZANCE OF BAIL BONDS ONLY, BUT INCLUDING PEACE BOND.

DATE 6-20-00 BOND AMOUNT \$ 10,000
(RELEASED FROM JAIL)

OFFENSE Dist. of Marijuana COURT District CITY Phenix

DATE TO APPEAR IN COURT 9-7-00

DEFENDANT Roy Heath

ADDRESS _____

AGENT Stacy Zermie DATE 6-20-00

SEPARATE POWER-OF-ATTORNEY MUST BE ATTACHED TO EACH BOND AND REMAIN A PERMANENT PART OF THE COURT'S RECORD IN ORDER FOR AAA BONDING CO., TO BE LIABLE. THIS POWER DOES NOT AUTHORIZE EXECUTION OF BONDS OF NE EXEAT OR ANY GUARANTEE FOR FAILURE TO PROVIDE PAYMENTS OF ALIMONY SUPPORT OF WAGE LAW CLAIMS.

WHITE-RECEIPT-Client
BOTTOM-Jail

YELLOW-Office

PINK-Remains in Book



(SEAL)

C. J. Hinkle
GENERAL MGR.

Agency No. SL0003330

DC No. 00-1117&18

CC No. _____

G. J. No. 173W0

000062

A TRUE BILL, presented to the judge Presiding in open Court by the Foreperson of this Grand Jury, and filed in open court this 12 day of Jan, 2001.

Spencer Edwards
Grand Jury Foreman

Deven Kiker
Clerk of the Circuit Court
of Russell County
Twenty-Sixth Judicial Circuit

CC-01-36

INDICTMENT

THE STATE OF ALABAMA

vs.

ROY D. HEATH
SID: AL01597699

alias
None Reported

CHARGES:

SECTION

1. DISTRIBUTION OF A CONTROLLED SUBSTANCE
2. POSSESSION OF MARIJUANA 1ST DEGREE

Bail fixed at \$ 12500 this 12 day of JAN, 2001.

D. Davis
Judge Presiding

THE STATE OF ALABAMA
RUSSELL COUNTY

CIRCUIT COURT
2001

Prosecutor: BUSTER LANDREAU

000119

1
KENNETH DAVIS
DISTRICT ATTORNEY
TWENTY-SIXTH JUDICIAL

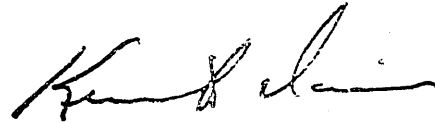
THE STATE OF ALABAMA, RUSSELL COUNTY
CIRCUIT COURT - TWENTY-SIXTH JUDICIAL CIRCUIT

COUNT 1

The Grand Jury of said county charge that, before the finding of this indictment, ROY D. HEATH, whose name is otherwise unknown to the Grand Jury than as stated, did unlawfully sell, furnish, give away, manufacture, deliver or distribute MARIHUANA, a controlled substance, in violation of Section 13A-12-211 of the Code of Alabama, 1975, as amended, and against the peace and dignity of the State of Alabama.

COUNT 2

The Grand Jury of said county further charge that, before the finding of this indictment, ROY D. HEATH, whose name is otherwise unknown to the Grand Jury than as stated, did possess marijuana, a controlled substance, for other than [his/her] personal use, in violation of 13A-12-213 of the Code of Alabama, 1975, as amended, and against the peace and dignity of the State of Alabama.



KENNETH DAVIS
District Attorney
Twenty-Sixth Judicial Circuit

WITNESSES:

KEMIKA ALLOWAY, 1001 13TH. ST. SO., BIRMINGHAM, AL 35205
AGENT JEFF EVANS, METRO NARCOTICS, ,
TOM FRANKLIN, RUSSELL COUNTY SHERIFFS DEPARTMENT, PHENIX CITY, AL 36867
AGENT HERRING, METRO NARCOTICS, ,
AGENT JIM PRICE, METRO NARCOTICS TASK FORCE, COLUMBUS, GA

State of Alabama Unified Judicial System Form C-69 Rev 6/88	PLEA OF NOT GUILTY AND WAIVER OF ARRAIGNMENT	Case Number <u>CC-01-30,36</u>
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IN THE Circuit COURT OF Russell COUNTY
STATE OF ALABAMA v. Roy David Heath
COMES NOW the Defendant in the above styled matter, and to the offense charged enters a plea of Not Guilty

Defendant further waives the right to have an Arraignment at which the Defendant is present in person, or at which the Defendant is represented by an attorney.

But, the Defendant specifically and expressly reserves the right upon the filing hereof to hereafter, but before trial or before such date as may be set by the Court, to interpose any special pleas or additional pleadings which the Defendant had the right as a matter of law or rule to interpose in this cause, prior to the filing hereof.

Defendant's date of birth is 12/23/60. Defendant's age is 40.
The Defendant is not eligible for consideration by the Court for Youthful Offender status as provided by law.

<u>2/16/01</u> Date	<u>Roy David Heath</u> Defendant
<u>2/16/01</u> Date	<u>John M. Britton</u> Attorney for Defendant

This is to certify that I am the Attorney for the Defendant in this matter, and that I have fully explained this form and all matters set forth herein, and pertaining hereto, to the Defendant. I further state to the Court that I have explained to the Defendant his right to be Arraigned in person and his right to have me represent him at Arraignment. I further certify to the Court that my client hereby knowingly, voluntarily, and intelligently waives these rights after a full and complete explanation of each and every one of them to him by me. BOTH MYSELF AND THE DEFENDANT UNDERSTAND THAT I AM RESPONSIBLE FOR ASCERTAINING WHAT DATE, IF ANY, HAS BEEN SET BY THE COURT FOR THE MAKING OR FILING OF ANY ADDITIONAL PLEADINGS OR SPECIAL PLEAS. I FURTHER UNDERSTAND THAT I AM RESPONSIBLE FOR NOTIFYING MY CLIENT OF THE DATE HIS CASE IS SET FOR TRIAL, AND THAT I HAVE ADVISED AND INFORMED HIM THAT IN THE EVENT HE FAILS TO APPEAR ON THE DATE HIS CASE IS SET FOR TRIAL, ALL APPROPRIATE LEGAL ACTION WILL BE TAKEN BY THE COURT AGAINST THE DEFENDANT AND HIS BOND. I further certify to the Court that I have advised my client that he is responsible for obtaining the date his case is set for trial in this matter and that in the event he fails to appear on the date his case is set for trial all appropriate legal action will be taken by the Court against the Defendant and his bond, and I hereby certify that the Defendant knows that he is personally responsible for obtaining the date his case is set for trial and for being present in Court on that date.

<u>2/16/01</u> Date	<u>John M. Britton</u> Attorney for Defendant Signature
	<u>John M. Britton</u> Printed Attorney's Name
	<u>1110 Broad Street 36867</u> Address

This is to certify that my Attorney has explained each and every matter and right set forth in this form and I have completely and fully read and do so understand each and every matter set forth in this form. I further state to the Court that I do not wish to be personally present at an Arraignment in this case and that I do not want to have an Attorney represent me at an Arraignment and WITH FULL KNOWLEDGE OF EACH OF THESE RIGHTS, I HEREBY EXPRESSLY WAIVE SUCH RIGHTS. I further state to the Court that I have been informed of the charge against me.

<u>2/16/01</u> Date	<u>Roy David Heath</u> Defendant Signature
Filed in office this date <u>2/16/01</u>	<u>Kathy Coalter</u> Clerk
	By: <u>JB5</u>

COURT RECORD (Original)	DEFENDANT (Copy)	ATTORNEY (Copy)
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000065

STATE OF ALABAMA)	IN THE CIRCUIT COURT OF
)	
PLAINTIFF,)	RUSSELL COUNTY, ALABAMA
)	
VS.	)	CASE NO.: CC <u>01-36</u>
)	
<u>Loy David Heath</u>)	
)	
DEFENDANT.)	

ARRAIGNMENT ORDER

Defendant appeared in open court on this date at which time:

- X The defendant advised the Court that he/she had retained John Britton, Attorney at law, to represent him/her in these proceedings.
- The defendant advised the Court that he/she was indigent and unable to employ counsel to represent him/her in these proceedings. The Court appointed _____ an experienced and competent attorney, to represent him/her in these proceedings.
- The defendant applied for youthful offender status. Ruling on said application was set for _____ at _____.
- X The defendant waived the reading of the indictment and entered a plea of not guilty to the offense charged therein.
- The Court ordered an alias writ for the defendant's failure to appeal in Court.
- X Plea deadline set for April 9, 2001.
- X Docket call set for April 10, 2001 at 10:00 A.M.
- X This case is scheduled for trial docket of April 16, 2001.
- The defendant shall pay the sum of \$25.00 per week towards his/her attorney's fees. Payments to begin 2-26-01.
- _____

DONE this the 20th day of February, 2001.

George Eason
JUDGE, CIRCUIT COURT

000066

STATE OF ALABAMA	*	IN THE CIRCUIT COURT OF
	*	
V.	*	RUSSELL COUNTY, ALABAMA
	*	
ROY D. HEATH	*	CASE NO. CC-01-036

NOTICE OF PRIOR CONVICTIONS FOR SENTENCE HEARING


Pursuant to Rule 26.6(b)(3)(ii) of the Alabama Rules of Criminal Procedure, notice is hereby given as to the following convictions which the State intends to establish in the sentence hearing of this Defendant in the event said Defendant is convicted on the instant matter, to-wit:

1. In the Superior Court of Muscogee County, Georgia, Case Number SU93CR1905, Count 1, Defendant was convicted of Aggravated Child Molestation. Said Defendant was represented by counsel.
2. In the Superior Court of Muscogee County, Georgia, Case Number SU93CR1905, Count 2, Defendant was convicted of Child Molestation. Said Defendant was represented by counsel.
3. In the Superior Court of Muscogee County, Georgia, Case Number SU93CR1905, Count 3, Defendant was convicted of Enticing a Child for Immoral Purposes. Said Defendant was represented by counsel

FILED IN OFFICE

2001 MAR -2 AM 11:45

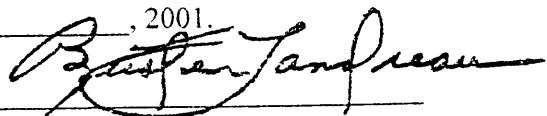
CIRCUIT CLERK'S COURT
RUSSELL CO., AL


 Buster Landreau
 Chief Deputy District Attorney
 26th Judicial Circuit
 LAN034

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the foregoing upon the Hon. **John Britton** Attorney for Defendant by placing the same in a box reserved in said attorney's name in the Circuit Clerk's Office of Russell County.

This ____ 2nd ____ day of ____ March ____, 2001.


 Buster Landreau

000087

STATE OF ALABAMA

V.

ROY D. HEATH


* IN THE CIRCUIT COURT OF
*
* RUSSELL COUNTY, ALABAMA
*
* CASE NO. CC-01-036

NOTICE OF INTENT TO ADMIT CERTIFICATE OF ANALYSIS

COMES NOW THE STATE OF ALABAMA by and through the District Attorney for Russell County and gives notice to the above named Defendant that it intends to offer proof of the nature and quantity of the substance or substances charged in this case by the certificate of analysis prepared for the State by the Alabama Department of Forensic Sciences in proper form as required by Section 12-21-300 of the Code of Alabama (1975).

FILED IN OFFICE
2001 MAR -2 AM 11:45
CIRCUIT/DIST. COURT
RUSSELL CO., AL

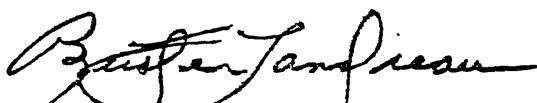
KENNETH DAVIS
DISTRICT ATTORNEY


BUSTER LANDREAU
Chief Deputy District Attorney
LAN034

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing notice on the Hon. **JOHN BRITTON** Counsel for Defendant by placing a copy of said notice in the receptacle reserved in his name in the Circuit Clerk's Office in the courthouse of Russell County, Alabama.

Done this 2ND Day of MARCH, 2001


Buster Landreau

000068

STATE OF ALABAMA

VS.

ROY D. HEATH

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-01-030,036


MOTION FOR CONSOLIDATION OF OFFENSES

The State moves the Court for an order that the above actions be tried together, upon the ground that the alleged offenses charged against the defendant in the indictment in each of said actions could have been joined as a single indictment under Rule 13 of the Alabama Rules of Criminal Procedure in that they are:

1. Of the same or similar character; or
2. Based on the same conduct or are otherwise connected in their commission; or
3. Alleged to have been part of a common scheme or plan.

By trial together of said actions, the expense of and time consumed in trial will be materially reduced.

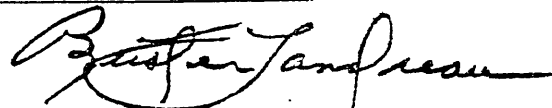
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001 MAR -2 AM 11:45
CIRCUIT/DIST. COURT
RUSSELL CO., AL


BUSTER LANDREAU
CHIEF DEPUTY DISTRICT ATTORNEY
26TH JUDICIAL CIRCUIT
LAN 034

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the forgoing Motion upon the Hon. JOHN BRITTON Attorney for the Defendant by placing a copy of the same in a receptacle reserved in his name in the office of the Circuit Clerk of Russell County

Done this 2ND Day of MARCH, 2001


BUSTER LANDREAU

STATE OF ALABAMA

VS.

ROY D. HEATH

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-01-036

MOTION FOR DISCOVERY

Comes now the State of Alabama by and through its District Attorney, Kenneth Davis and moves the Court pursuant to Rule 16.2 of the Alabama Rules of Criminal Procedure to issue an order directed to Hon. **JOHN BRITTON** Counsel for Defendant, to-wit:

1. To permit the State to analyze, inspect, and copy or photograph books, papers, documents, photographs, audio tapes, video tapes, tangible objects, buildings or places, or portions of any of these things, which are within the possession custody, or control of the Defendant and which the Defendant intends to introduce in evidence at the trial.

2. To permit the State to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with this particular case, which are within the possession or control of the Defendant and which he intends to introduce in evidence at the trial or which were prepared by a witness whom the Defendant intends to call at the trial, if the results or reports relate to the witness's testimony.

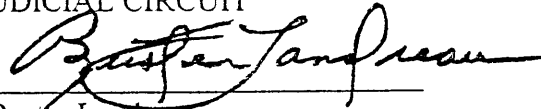
3. To produce and permit the State to inspect and copy the names and addresses of qualified mental health professionals who have personally examined the Defendant or any evidence in this case, as well as the results of or reports of mental examinations, scientific tests, experiments or comparisons and statements made by such professionals.

000070

Done this 2ND Day of MARCH, 2001.

KENNETH DAVIS
DISTRICT ATTORNEY
26TH JUDICIAL CIRCUIT

BY:

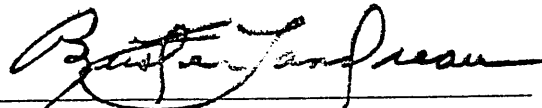


Buster Landreau
Chief Deputy District Attorney
LAN 034

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion for Discovery upon the Hon. **JOHN BRITTON**, Counsel for the Defendant, by placing the same in a receptacle reserved in his/her name in the Office of the Clerk of the Circuit Court of Russell County, Alabama.

This the 2ND Day of MARCH, 2001.



Buster Landreau

FILED IN OFFICE
2001 MAR -2 AM 11:44
CIRCUIT/DIST. COURT
RUSSELL CO., AL

STATE OF ALABAMA,

) IN THE CIRCUIT COURT OF

000071

PLAINTIFF,

) RUSSELL COUNTY, ALABAMA

3.

) CASE NO. CC 01-030,036

ROY D. HEATH

)

DEFENDANT.

)

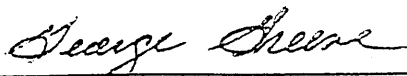
O R D E R

The State of Alabama, by and through its District Attorney, has filed a motion for discovery in the above case. Upon consideration of the motion, it is **ORDERED** by the Court that the Defendant shall:

1. Permit the District Attorney to analyze, inspect, and copy or photograph books, papers, documents, photographs, tangible objects, buildings or places, or portions of any of these things, which are within the possession, custody or control of the defendant and which the defendant intends to introduce in evidence at the trial.

2. Permit the District Attorney to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, which are within the possession or control of the defendant and which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at trial, if the results or reports relate to the witness's testimony.

DONE this 6th day of March, 2001.


George R. Greene, Circuit Judge

FILED IN OFFICE
CIRCUIT/JUST. COURT
RUSSELL CO., AL

2001 MAR -6 PM 3:17

IN THE CIRCUIT COURT OF
RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA)

PLAINTIFF)

VS.)

CASE NO. CC-01-30,36

ROY D. HEATH)

DEFENDANT.)

ORDER

It is Ordered that the above styled cause is set for a hearing for the 11th day of April, 2001 at 4:00 P.M. in Courtroom No. 1, Russell County Courthouse on the State's motion to consolidate.

Dated this the 20th day of March, 2001.

George Sheene

JUDGE, CIRCUIT COURT

FILED IN OFFICE
2001 MAR 20 PM 4:36
CIRCUIT / DIST. COURT
RUSSELL CO., AL

State of Alabama Unified Judicial System	EXPLANATION OF RIGHTS AND PLEA OF GUILTY (Habitual Felony Offender — Circuit or District Court)	Case Number <input type="checkbox"/> Count <u>CC-01-70436</u> <small>(count #, if applicable)</small>
Form CR-52 (front) Rev. 8/11/2000		

IN THE Circuit COURT OF Russell, ALABAMA
(Circuit or District) (Name of County)

STATE OF ALABAMA v. Ray D. Heath
 Defendant

TO THE ABOVE-NAMED DEFENDANT: After the court was informed that you wish to enter a plea of guilty in this case, this is to inform you of your rights as a criminal defendant.

Penalties Applicable to Your Case
 You are charged with the crime of Distribution of Marijuana and Possession of Marijuana, which is a Class B Felony. The court has been informed that you desire to enter a plea of guilty to ☒ this offense or ☐ to the crime of _____ which is a Class B Felony. The sentencing range for the above crime(s) is set out below:

FELONY	
Class A	Not less than ten (10) years and not more than ninety-nine (99) years imprisonment in the state penitentiary, including hard labor and may include a fine not to exceed \$20,000.
Class B	Not less than two (2) years and not more than twenty (20) years imprisonment in the state penitentiary, including hard labor and may include a fine not to exceed \$10,000. For imprisonment not more than 3 years, confinement may be in county jail and sentence may include hard labor for county.
Class C	Not less than one (1) year and one (1) day and not more than ten (10) years imprisonment in the state penitentiary, including hard labor and may include a fine not to exceed \$5,000. For imprisonment not more than 3 years, confinement may be in county jail and sentence may include hard labor

You will also be ordered to pay the costs of court, which may include the fees of any appointed attorney, and restitution if there is any. You will also be ordered to pay an additional monetary penalty for the use and benefit of the Alabama Crime Victims Compensation Commission of not less than \$50 and not more than \$10,000 for each felony for which you are convicted.

As a reported habitual offender, you are further advised that the Alabama Habitual Offender Act, §13A-5-9, as amended by Act 2000-759, provides the following enhanced punishment for anyone who has been previously convicted of one or more felonies and who then is convicted of a subsequent felony:

Prior Felonies → This offense	No Prior Felonies	One Prior Felony	Two Prior Felonies	Three + Prior Felonies
Class C Felony	1 Yr. & 1 Day — 10 Years In State Penitentiary Fine Up To \$5,000	2 — 20 Years In State Penitentiary Fine Up To \$10,000	10 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	15 — 99 Years or Life In State Penitentiary Fine Up To \$20,000
Class B Felony	2 — 20 Years, In State Penitentiary Fine Up To \$10,000	10 — 99 Years or Life, In State Penitentiary Fine Up To \$20,000	15 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	Mandatory Life Imprisonment or any term of not less than 20 years Fine Up To \$20,000
Class A Felony <small>(No prior convictions for a Class A Felony)</small>	10 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	15 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	Life imprisonment or Any Term Of Years Not Less Than 99 Fine Up To \$20,000	Mandatory Imprisonment For Life or Life Imprisonment Without Possibility of Parole Fine Up To \$20,000
Class A Felony <small>(One or more prior convictions for any Class A Felony)</small>	10 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	15 — 99 Years or Life In State Penitentiary Fine Up To \$20,000	Life imprisonment or Any Term Of Years Not Less Than 99 Fine Up To \$20,000	Mandatory Imprisonment For Life Without Possibility of Parole Fine Up to \$20,000

This crime is also subject to the following enhancements or additional penalties as provided by law: (Provisions Checked Apply To Your Case)

☐ **Enhanced Punishment For Use Of Firearm Or Deadly Weapon:** §13A-5-6, *Code of Alabama* 1975, provides for sentence enhancement where a "firearm or deadly weapon was used or attempted to be used in the commission of a felony." This section provides for the following punishment in such event: For the commission of a Class A Felony, a term of imprisonment of not less than 20 years; for the commission of a Class B or Class C Felony, a term of imprisonment of not less than 10 years;

☒ **Enhanced Punishment for Drug Sale Near School:** §13A-12-250, *Code of Alabama* 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public or private school, college, university or other educational institution, must be punished by an additional penalty of five years imprisonment in a state correctional facility for each violation. This period of imprisonment is mandatory and the punishment imposed shall not be suspended or probation granted.

☒ **Enhanced Punishment for Drug Sale Near Housing Project:** §13A-12-270, *Code of Alabama* 1975, provides that any person who is convicted of unlawfully selling any controlled substance within a three (3) mile radius of a public housing project owned by a housing authority must be punished by an additional penalty of five years' imprisonment in a state correctional facility for each violation. This period of imprisonment is mandatory and the punishment imposed shall not be suspended or probation granted.

☐ **Enhanced Punishment For Sales Of Controlled Substance To Anyone Under 18:** §13A-12-215, *Code of Alabama* 1975, provides that anyone convicted of selling, furnishing, or giving away a controlled substance to one who has not yet attained the age of 18 years, shall be guilty of a Class A Felony and the punishment imposed shall not be suspended or probation granted.

☐ **Drug Demand Reduction Assessment Act and Loss of Driving Privileges:** Section 13A-12-281 provides that, if you are convicted of a violation of §13A-12-202 (criminal solicitation to commit controlled substance crime), 13A-12-203 (attempt to commit a controlled substance crime), 13A-12-204 (criminal conspiracy), 13A-12-211 (unlawful distribution of a controlled substance), 13A-12-212 (unlawful possession or receipt of a controlled substance), 13A-12-213 (unlawful possession of marijuana, 1st), 13A-12-215 (sale, furnishing, etc., of controlled substance by person over age 18 to person under age 18) or 13A-12-231 (drug trafficking), *Code of Alabama* 1975, you shall be assessed an additional fee of \$1,000 if you are a first-time offender or

000071

Form CR-52 (back)

Rev. 8/11/2000

EXPLANATION OF RIGHTS AND PLEA OF GUILTY

(Habitual Felony Offender -- Circuit or District Court)

\$2,000 if you are a repeat offender under one of these sections. Collection of all or part of the penalty will be suspended if, with court approval, you enter a drug rehabilitation program and if you agree to pay for a part or all of the program costs. Upon successful completion of the program, you may apply to the court to reduce the penalty by the amount actually paid by you for participation in the program. Any suspension of the penalty can be withdrawn by the court if you fail to enroll in or successfully pursue or otherwise fail to complete an approved program. In addition, pursuant to §13A-12-214 (unlawful possession of marijuana in the second degree), §32-5A-191(a)(3) or §32-5A-191(a)(4)(DUI offenses involving drugs), you will lose your privilege to drive a motor vehicle for a period of six months, which shall be in addition to any suspension or revocation otherwise provided by law.

☐ **Alcohol/Drug Related Offenses:** If you are convicted of an alcohol or drug-related offense, you will be required to undergo an evaluation for substance abuse. Based upon the results of any such evaluation, you will be required to complete the recommended course of education and/or treatment and to pay for the evaluation and any cost of program to which you are referred. Failure to submit to an evaluation or failure to complete any program to which you may be referred will be considered a violation of any probation or parole you may be granted. You may also be required to attend monitoring sessions, including random drug and alcohol testing or blood, urine and/or breath, tests and to pay a fee for this service. You may request a waiver of part of all of the fees assessed if you are indigent or for any portion of time you are financially unable to pay. Community service may be ordered by the court in lieu of the monetary payment of fees.

☐ **DNA Samples for Criminal Offenses in §36-18-24:** Section 36-18-25(e), *Code of Alabama* 1975, provides that, all persons convicted of any of the offenses set out in §36-18-24 (felony offense or any offense contained in Chapter 6 of Title 13A - offenses involving danger to the person - or attempt, conspiracy, or solicitation thereof), shall be ordered by the court to submit to the taking of a DNA sample or samples.

☐ **Drug Possession:** If you are convicted in any court of this state for drug possession, drug sale, drug trafficking, or drug paraphernalia offenses as defined in §§13A-12-211 to 13A-12-260, inclusive, *Code of Alabama* 1975, an additional fee of \$100.00 will be assessed pursuant to §36-18-7, *Code of Alabama* 1975.

☐ Other: _____

RIGHTS YOU HAVE AND WAIVER OF YOUR RIGHTS

Under the Constitution of the United States and the Constitution and laws of the State of Alabama, you have a right to remain silent and you may not be compelled to give evidence against yourself. Your attorney cannot disclose any confidential talks he/she has had with you. You are not required to answer any questions. If you do answer questions knowing that you have a right to remain silent, you will have waived this right.

You have the right to enter, and continue to assert, a plea of "Not Guilty" or "Not Guilty by Reason of Mental Disease or Defect," and have a public trial before a duly selected jury. The jury would decide your guilt or innocence based upon the evidence presented before them. If you elect to proceed to trial, you would have the right to be present, you would have the right to have your attorney present to assist you, you would have the right to confront and cross examine your accuser(s) and all the State's witnesses, you would have the right to subpoena witnesses to testify on your behalf and to have their attendance in court and their testimony required by the court, and you would have the right to take the witness stand and to testify, but only if you chose to do so, as no one can require you to do this. If you elect to testify, you can be cross examined by the State, just as any other witness is subjected to cross examination. If you decide not to testify, no one but your attorney will be allowed to comment about that fact to the jury. Your attorney is bound to do everything he/she can honorably and reasonably do to see that you obtain a fair and impartial trial.

If you elect to proceed to trial, you come to court presumed to be innocent. This presumption of innocence will follow you throughout the trial until the State produces sufficient evidence to convince the jury (or the court if the trial is non-jury) of your guilt beyond a reasonable doubt. You have no burden of proof in this case. If the State fails to meet its burden, you would be found not guilty. If you are entering a guilty plea to a charge for which you have not yet been indicted, you are waiving indictment by a grand jury and you will be pleading guilty to a charge preferred against you by a District Attorney's Information filed with the court.

IF YOU PLEAD GUILTY, THERE WILL BE NO TRIAL. YOU WILL BE WAIVING THE RIGHTS OUTLINED ABOVE, EXCEPT YOUR RIGHTS RELATING TO REPRESENTATION BY AN ATTORNEY. THE STATE WILL HAVE NOTHING TO PROVE, AND YOU WILL BE CONVICTED AND SENTENCED BASED ON YOUR GUILTY PLEA. YOU WILL, HOWEVER, HAVE THE RIGHT TO APPEAL.

IF YOU HAVE ANY QUESTIONS ABOUT YOUR RIGHTS OR THE CONSEQUENCES OF PLEADING GUILTY, PLEASE LET THE COURT KNOW NOW AND FURTHER EXPLANATION WILL BE MADE.

Date

Judge

ATTORNEY'S CERTIFICATE

I certify that the above was fully read to the defendant by me; that I explained the penalty or penalties involved with the defendant; that I discussed in detail the defendant's rights and the consequences of pleading guilty; and that, in my judgment, the defendant understands the same and that he/she is knowingly, voluntarily, and intelligently waiving his/her rights and entering a voluntary and intelligent plea of guilty. I further certify to the court that I have in no way forced or induced the defendant to plead guilty and to my knowledge no one else has done so.

Date

Attorney

DEFENDANT'S STATEMENT OF WAIVER OF RIGHTS AND PLEA OF GUILTY

I certify to the court that my attorney has read and explained the matters set forth above; that my rights have been discussed with me in detail and fully explained; that I understand the charge or charges against me; that I understand my rights, the punishment or punishments provided by law as they may apply to my case, and I understand the consequences of pleading guilty; that I am not under the influence of any drugs, medicines, or alcoholic beverages; and I have not been threatened or abused or offered any inducement, reward, or hope of reward to plead guilty other than the terms of the plea agreement which will be stated on the record.

I further state to the court that I am guilty of the charge to which I am entering a plea of guilty, that I desire to plead guilty, that I made up my own mind to plead guilty, and that I knowingly, intelligently, and voluntarily waive my right to a trial in this case. I further state to the court that I am satisfied with my attorney's services and his/her handling of my case.

Date

Defendant

STATE OF ALABAMA

VS.

ROY D. HEATH

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-01-030,036

PLEA AGREEMENT

The Defendant has been indicted for the following:

<u>CASE NO.</u>	<u>OFFENSE CHARGED</u>
CC-01-030	DISTRIBUTION OF MARIJUANA
CC-01-036 COUNT 1	DISTRIBUTION OF MARIJUANA
COUNT 2	POSSESSION OF MARIJUANA 1ST

Upon Defendant's plea of guilty to the charge(s) below, the District Attorney recommends the following:

<u>CASE NO.</u>	<u>OFFENSE PLED</u>
CC-01-030	DISTRIBUTION OF MARIJUANA
CC-01-036 COUNT 1	DISTRIBUTION OF MARIJUANA
COUNT 2	POSSESSION OF MARIJUANA 1ST

SENTENCE

CC-01-030 **30 YEARS** plus costs plus a \$1,000.00 penalty mandated by the Demand Reduction Assessment Act of §13A-12-281 plus \$100.00 to the Forensic Science Fund and \$100.00 to the Victim's Compensation Fund. Further, the Defendant understands that §13A-12-290 requires that the Department of Public Safety requires the suspension of the Defendant's driver's license for a period of six (6) months.

(This 30 years shall consist of 20 years for violation of §13A-12-211, an additional 5 years mandated by §13A-12-250 for a sale of a controlled substance at or near a school campus and an additional 5 years mandated by §13A-12-270 for a sale of a controlled substance at or near a public housing

project. For purposes of this plea, the Defendant agrees to stipulate that this act occurred within three (3) miles of both a school and a housing project. No further proof of this by the State of Alabama will be required.)

CC-01-036 Count 1

30 YEARS Concurrent with the sentences imposed in CC-01-030 and Count 2 hereof, plus costs plus a \$1,000.00 penalty mandated by the Demand Reduction Assessment Act of §13A-12-281 plus \$100.00 to the Forensic Science Fund and \$100.00 to the Victim's Compensation Fund. Further, the Defendant understands that §13A-12-290 requires that the Department of Public Safety requires the suspension of the Defendant's driver's license for a period of six (6) months.

(This 30 years shall consist of 20 years for violation of §13A-12-211, an additional 5 years mandated by §13A-12-250 for a sale of a controlled substance at or near a school campus and an additional 5 years mandated by §13A-12-270 for a sale of a controlled substance at or near a public housing project. For purposes of this plea, the Defendant agrees to stipulate that this act occurred within three (3) miles of both a school and a housing project. No further proof of this by the State of Alabama will be required.)

CC-01-036 Count 2

30 YEARS Concurrent with the sentences imposed in CC-01-030 and Count 1 hereof, plus costs plus a \$1,000.00 penalty mandated by the Demand Reduction Assessment Act of §13A-12-281 plus \$100.00 to the Forensic Science Fund and \$100.00 to the Victim's Compensation Fund. Further, the Defendant understands that §13A-12-290 requires that the Department of Public Safety requires the suspension of the Defendant's driver's license for a period of six (6) months.

HABITUAL OFFENDER APPLICATION

It is further agreed by the State of Alabama and the Defendant that Defendant has **Three (3)** prior felony conviction(s) and that Defendant will stipulate to same and that no further proof of this conviction need be made by the State of Alabama upon sentencing.

RESTITUTION

The Defendant, counsel for the Defendant and the District Attorney agree that restitution is due the victim(s) as follows:

CASE NO.

AMOUNT

VICTIM AND ADDRESS

CC-01-030,036

none

****DEFENDANT HEREBY WAIVES HIS/HER RIGHT TO A RESTITUTION HEARING****

The Defendant is hereby ordered to pay restitution and court costs in the above-styled case. The Defendant agrees to make payments of \$100.00 _____ per month, or such amount as determined by the Probation Officer (whichever is greater) beginning 90 days subsequent to the date the Defendant was sentenced.

If the Defendant is incarcerated as a result of the sentence imposed in this case, the Defendant agrees to make payments within 90 days of release from confinement. If the Defendant receives probation as a result of the sentence imposed in this case, the Defendant agrees to make payments as delineated above and the Defendant agrees that a condition of his probation is to make regular payments.

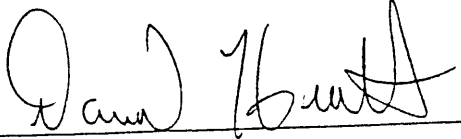
The Defendant understands that failure to make regular monthly payments will result in an additional thirty per cent (30%) collection fee being added to the balance after 90 days. Failure of the Defendant to make regular payments may result in a wage withholding order being issued by this court.

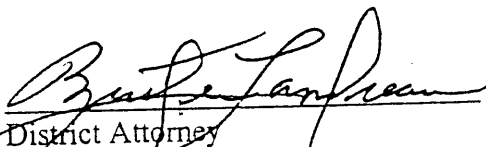
APPEAL

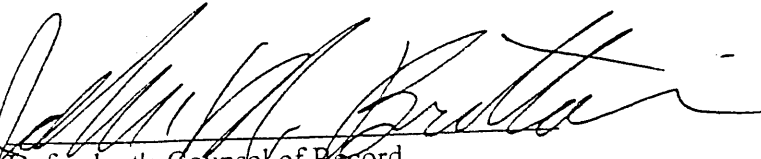
If the Defendant files any post conviction petition (including but not limited to a Rule 32 Petition, a Motion for New Trial, a Motion to Set Aside this Plea Agreement or an Appeal) the State may void this agreement and return the original charges in this matter to the Trial docket.

It is further agreed by the Defendant, counsel for the Defendant and the District attorney that upon approval of the above by the Court, the Defendant will enter a plea of guilty.

Done this the 9th day of April, 2001.


Defendant


District Attorney
BL - 3/2/2001


Defendant's Counsel of Record
John Britton

STATE OF ALABAMA

VS.

ROY D. HEATH

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

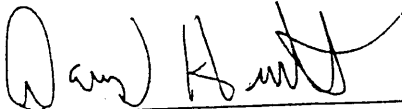
CASE NO. CC-01-030,036

STATEMENT OF ATTORNEY'S REPRESENTATION

Comes now the Defendant in the above-styled matter to honestly state under oath, as true and correct all of the following as to the representation of the Attorney(s) of Record herein.

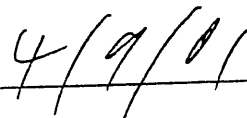
- 1) Are you completely satisfied with the way your attorney has represented you in this case?
☒ Yes ☐ No
- 2) Given all the circumstances, are you completely satisfied with the settlement worked out by your attorney in this case?
☒ Yes ☐ No
- 3) Do you accept this settlement voluntarily and of your own free will?
☒ Yes ☐ No
- 4) Did anyone force, coerce, threaten, or promise you anything to get you to accept this settlement?
☐ Yes ☒ No
- 5) Do you have any complaints at all about your attorney or the legal representation you received in this matter?
☐ Yes ☒ No

I DO HEREBY CERTIFY, upon my oath before this Court, that all of the above answers are absolutely true and correct.



Defendant

Date:



Circuit Judge – Russell County, Alabama

PLEA OF GUILTY

CC 01-36
Ct. 1STATE OF ALABAMA VS. Ray David Heath

Defendant, together with his/her attorney, appeared in open court on this date at which time:

☒ The defendant, having been advised by the Court of the charge(s) embraced in the indictment and the punishment therefore, and the Court being satisfied that the defendant has been advised of his/her rights under the Constitutions of this State and the United States, the said defendant, with the consent and advise of his/her attorney, withdraws his/her plea of not guilty and pleads guilty to the offense of Distribution of
marijuana as charged in the indictment. Ct. 1

☐ The defendant having been advised by the Court of the charge(s) embraced in the indictment and the punishment therefore, and the Court being satisfied that the defendant has been advised of his/her rights under the Constitution of this State and the United States, by his/her attorney, withdraws his/her plea of not guilty and pleads guilty to the LESSER AND INCLUDED offense of _____ as charged in the indictment.

☐ Sentencing hearing is waived by both parties.

☐ Sentencing hearing is set for _____ at _____.

☒ Sentencing on the plea of guilty is set for 5-31-01 at 9:30 AM.

☒ Defendant makes application for probation. Ruling on said application for probation is set for 5-31-01 at 9:30 AM.

DONE this the 9th day of April, 2001.


JUDGE, CIRCUIT COURT

000080

PLEA OF GUILTY

CC 01-36
ct. 2STATE OF ALABAMA VS. Roy David Heath

Defendant, together with his/her attorney, appeared in open court on this date at which time:

☒ The defendant, having been advised by the Court of the charge(s) embraced in the indictment and the punishment therefore, and the Court being satisfied that the defendant has been advised of his/her rights under the Constitutions of this State and the United States, the said defendant, with the consent and advise of his/her attorney, withdraws his/her plea of not guilty and pleads guilty to the offense of Possession of
marijuana 1st degree as charged in the indictment. ct. 2

☐ The defendant having been advised by the Court of the charge(s) embraced in the indictment and the punishment therefore, and the Court being satisfied that the defendant has been advised of his/her rights under the Constitution of this State and the United States, by his/her attorney, withdraws his/her plea of not guilty and pleads guilty to the LESSER AND INCLUDED offense of _____ as charged in the indictment.

☐ Sentencing hearing is waived by both parties.

☐ Sentencing hearing is set for _____ at _____.

☒ Sentencing on the plea of guilty is set for 5-31-01 at 9:30 AM

☒ Defendant makes application for probation. Ruling on said application for probation is set for 5-31-01 at 9:30 AM.

DONE this the 9th day of April, 2001.

[Signature]
JUDGE, CIRCUIT COURT

000081

STATE OF ALABAMA,
VS.
ROY D. HEATH
DEFENDANT

IN THE CIRCUIT COURT OF
RUSSELL COUNTY, ALABAMA
CASE NO. CC 01-36
Count 1

SENTENCING ORDER

The defendant and counsel, and counsel for the State of Alabama appeared in open court for the defendant to be sentenced on his/her conviction of DISTRIBUTION OF MARIJUANA, Count 1.

HABITUAL FELONY OFFENDER

✓ The defendant is sentenced as a habitual offender under the provision of Section 13A-5-9 and 10 of the Code of Alabama.

SENTENCE

✓ The Court conducted a sentencing hearing.

✓ A pre-sentence report was requested by the defendant and considered by the Court.

— The defendant waived a pre-sentence investigation and report.

✓ The defendant is sentenced to the custody of the Commissioner of the Department of Corrections for a period of 30 year(s) — life.

✓ Sentence to including five (5) years enhancement pursuant to 13A-12-270, Code of Alabama, and an additional five (5) years enhancement pursuant to 13A-12-250, Code of Alabama.

— The defendant is sentenced to the custody of the Sheriff of Russell County for a period of — year(s), — month(s).

✓ The defendant's sentence shall be concurrent with the sentence(s) imposed in CC-01-30, CC-01-36 Count 2.

— The defendant shall pay restitution in the amount of \$— to —. The Clerk of the Court is authorized to collect and disburse restitution. Restitution is to be paid prior to other court costs.

✗ The defendant shall be given credit for time served.

— The defendant shall pay a fine in the amount of \$—.

— The defendant shall pay \$10.00 per day incarceration fee.

✓ The defendant shall pay the cost of this case.

✓ The defendant shall pay the Alabama Crime Victims Compensation Commission the sum of \$100.00.

— The defendant shall perform — hours of community service.

✓ The defendant is assessed with \$1000.00 penalty mandated by the Demand Reduction Assessment Account, Section 13A-12-281 of the Code of Alabama which will be suspended upon defendant's agreement to enroll in rehabilitation program and pay for same.

✓ The defendant shall undergo a substance abuse program while at the Department of Corrections.

✓ The defendant is assessed with \$100.00 to Forensic Services Trust Fund Act No. 95-733 (Codified at Section 36-18-7).

✓ The defendant's drivers license are suspended for a period of 6 months.

✓ The defendant shall reimburse the State of Alabama the costs of his/her appointed counsel.

✓ The payment of court ordered monies shall be a condition of parole, early release, S.I.R., or work release.

SUSPENDED SENTENCE

— The defendant's sentence is suspended, and the defendant is placed on supervised ____unsupervised probation for a period of _____;

SPLIT SENTENCE

— The defendant's sentence is suspended, and the defendant is placed on supervised probation for a period of _____, however, as a first condition of probation the defendant shall serve a period of _____ in the custody of the Commissioner of the Department of Corrections/Sheriff of Russell County. At the end of the defendant's incarceration, he/she shall be transported back to this Court for the imposition of further terms and conditions of probation.

BOOT CAMP

— The defendant shall serve up to 180 days in the custody of the Commissioner of the Department of Corrections and he shall successfully complete the disciplinary, Rehabilitation program. When said program is completed or defendant is released from said program, he shall be returned to this Court for a hearing on his application for probation.

REVERSE SPLIT SENTENCE

— The defendant's sentence is suspended, and the defendant is placed on supervised probation for a period of _____; however, upon completion of said probation period, the defendant shall serve a period of _____ in the custody of the Sheriff of Russell County, Alabama.

✓ The defendant was advised that he/she has the right to appeal his/her conviction and sentence, and if declared indigent he/she has the right to appointed counsel and the court reporter's transcript will be provided without cost to the defendant.

— A review is scheduled for _____, 2001 at _____.

DONE and ORDERED in open court this 31st day of May, 2001.


JUDGE, CIRCUIT COURT

STATE OF ALABAMA,
 VS.
 ROY D. HEATH
 DEFENDANT

IN THE CIRCUIT COURT OF
 RUSSELL COUNTY, ALABAMA
 CASE NO. CC 01-36
 Count, 2

SENTENCING ORDER

The defendant and counsel, and counsel for the State of Alabama appeared in open court for the defendant to be sentenced on his/her conviction of POSSESSION OF MARIJUANA 1st degree, Count 2.

HABITUAL FELONY OFFENDER

The defendant is sentenced as a habitual offender under the provision of Section 13A-5-9 and 10 of the Code of Alabama.

SENTENCE

The Court conducted a sentencing hearing.

A pre-sentence report was requested by the defendant and considered by the Court.

The defendant waived a pre-sentence investigation and report.

The defendant is sentenced to the custody of the Commissioner of the Department of Corrections for a period of 30 year(s) life.

Sentence to including five (5) years enhancement pursuant to 13A-12-270, Code of Alabama, and an additional five (5) years enhancement pursuant to 13A-12-250, Code of Alabama.

The defendant is sentenced to the custody of the Sheriff of Russell County for a period of year(s), month(s).

The defendant's sentence shall be concurrent with the sentence(s) imposed in CC - 01 - 30 & CC - 01 - 36 CT 1.

The defendant shall pay restitution in the amount of \$ to . The Clerk of the Court is authorized to collect and disburse restitution. Restitution is to be paid prior to other court costs.

The defendant shall be given credit for time served.

The defendant shall pay a fine in the amount of \$.

The defendant shall pay \$10.00 per day incarceration fee.

The defendant shall pay the cost of this case.

The defendant shall pay the Alabama Crime Victims Compensation Commission the sum of \$ 1000.00.

The defendant shall perform hours of community service.

The defendant is assessed with \$1000.00 penalty mandated by the Demand Reduction Assessment Account, Section 13A-12-281 of the Code of Alabama which will be suspended upon defendant's agreement to enroll in rehabilitation program and pay for same.

✓ The defendant shall undergo a substance abuse program while at the Department of Corrections.

✓ The defendant is assessed with \$100.00 to Forensic Services Trust Fund Act No. 95-733 (Codified at Section 36-18-7).

✓ The defendant's drivers license are suspended for a period of 6 months.

✓ The defendant shall reimburse the State of Alabama the costs of his/her appointed counsel.

✓ The payment of court ordered monies shall be a condition of parole, early release, S.I.R., or work release.

SUSPENDED SENTENCE

— The defendant's sentence is suspended, and the defendant is placed on supervised _____unsupervised probation for a period of _____;

SPLIT SENTENCE

— The defendant's sentence is suspended, and the defendant is placed on supervised probation for a period of _____, however, as a first condition of probation the defendant shall serve a period of _____ in the custody of the Commissioner of the Department of Corrections/Sheriff of Russell County. At the end of the defendant's incarceration, he/she shall be transported back to this Court for the imposition of further terms and conditions of probation.

BOOT CAMP

— The defendant shall serve up to 180 days in the custody of the Commissioner of the Department of Corrections and he shall successfully complete the disciplinary, Rehabilitation program. When said program is completed or defendant is released from said program, he shall be returned to this Court for a hearing on his application for probation.

REVERSE SPLIT SENTENCE

— The defendant's sentence is suspended, and the defendant is placed on supervised probation for a period of _____; however, upon completion of said probation period, the defendant shall serve a period of _____ in the custody of the Sheriff of Russell County, Alabama.

✓ The defendant was advised that he/she has the right to appeal his/her conviction and sentence, and if declared indigent he/she has the right to appointed counsel and the court reporter's transcript will be provided without cost to the defendant.

— A review is scheduled for _____, 2001 at _____.

DONE and ORDERED in open court this 31st day of May, 2001.


JUDGE, CIRCUIT COURT

ACR359

ALABAMA JUDICIAL DATA CENTER
RUSSELL COUNTY
TRANSCRIPT OF RECORD
CONVICTION REPORT

000085

CC 2001 000036.00 01
GEORGE R. GREENE

COURT ORI: 057015 J

CIRCUIT COURT OF RUSSELL COUNTY

STATE OF ALABAMA VS.
HEATH ROY DAVID
3 TRAPPER DRIVE
PHENIX CITY AL 36867ALIAS:
ALIAS:DC NO: WR 2000 001362.00
G J: 173
SSN: 259271653
SID: 000000000
AIS:DOB: 12/23/1960 SEX: M HT: 5 06 WT: 195 HAIR: BRO EYE: BRO
RACE: (X)W ()B ()O COMPLEXION: AGE: FEATURES:

DATE OFFENSE: 05/02/2000 ARREST DATE: 05/04/2000 ARREST ORI: 0570000

CHARGES @ CONV CITES CT CL COURT ACTION CA DATE
UNLAW DISTRIB CONT 13A-012-211 01 B GUILTY PLEA 04/09/2001

JUDGE: GEORGE R. GREENE

PROSECUTOR: LANDREAU BUSTER

PROBATION APPLIED GRANTED DATE REARRESTED DATE REVOKED DATE
()Y()N ()Y()N ()Y()N ()Y()N15-18-8, CODE OF ALA 1975 IMPOSED SUSPENDED TOTAL JAIL CREDIT
()Y (X)N CONFINEMENT: 30 00 000 00 00 000 30 00 000 00 00 047
PROBATION: 00 00 000 00 00 000
DATE SENTENCED: 05/31/2001 SENTENCE BEGINS: 05/31/2001

PROVISIONS	COSTS/RESTITUTION	DUE	ORDERED
PENITENTIARY	RESTITUTION	\$0.00	\$0.00
CONCURR SENT	ATTORNEY FEE	\$0.00	\$0.00
HABITUAL OFDR	CRIME VICTIMS	\$200.00	\$200.00
DOC/SAPP PGM	COST	\$399.00	\$399.00
ENHANCED SCH	FINE	\$0.00	\$0.00
ENHANCED PROJ	MUNICIPAL FEES	\$0.00	\$0.00
DRUG	DRUG FEES	\$2520.00	\$2520.00
	ADDTL DEFENDANT	\$0.00	\$0.00
	DA FEES	\$0.00	\$0.00
	COLLECTION ACCT	\$0.00	\$0.00
	JAIL FEES	\$0.00	\$0.00
	TOTAL	\$3119.00	\$3119.00

APPEAL DATE	SUSPENDED	AFFIRMED	REARREST
()Y()N	()Y()N	()Y()N	()Y()N

REMARKS:

THIS IS TO CERTIFY THAT THE
ABOVE INFORMATION WAS EXTRACTED
FROM OFFICIAL COURT RECORDS
AND IS TRUE AND CORRECT.

KATHY COULTER

06/07/2001

OPERATOR: JOS
PREPARED: 06/07/2001

ACR359

ALABAMA JUDICIAL DATA CENTER
RUSSELL COUNTY
TRANSCRIPT OF RECORD
CONVICTION REPORT

000086

CC 2001 000036.00 02
GEORGE R. GREENE

CIRCUIT COURT OF RUSSELL COUNTY

COURT ORI: 057015 J

STATE OF ALABAMA VS.
HEATH ROY DAVID
3 TRAPPER DRIVE
PHENIX CITY AL 36867ALIAS:
ALIAS:DC NO: WR 2000 001362.00
G J: 173
SSN: 259271658
SID: 0000000000
AIS:DOB: 12/23/1960 SEX: M HT: 5 06 WT: 195 HAIR: BRO EYE: BRO
RACE: (X)W ()B ()O COMPLEXION: AGE: FEATURES:

DATE OFFENSE: 05/02/2000 ARREST DATE: 05/04/2000 ARREST ORI: 0570000

CHARGES @ CONV CITES CT CL COURT ACTION CA DATE
POSS MARIJUANA 1ST 13A-012-213 01 C GUILTY PLEA 04/09/2001

JUDGE: GEORGE R. GREENE

PROSECUTOR: LANDREAU BUSTER

PROBATION APPLIED GRANTED DATE REARRESTED DATE REVOKED DATE
()Y()N ()Y()N ()Y()N ()Y()N15-18-8, CODE OF ALA 1975 IMPOSED SUSPENDED TOTAL JAIL CREDIT
()Y (X)N CONFINEMENT: 30 00 000 00 00 000 30 00 000 00 00 047
PROBATION: 00 00 000 00 00 000
DATE SENTENCED: 05/31/2001 SENTENCE BEGINS: 05/31/2001

PROVISIONS	COSTS/RESTITUTION	DUE	ORDERED
PENITENTIARY	RESTITUTION	\$0.00	\$0.00
CONCURR SENT	ATTORNEY FEE	\$0.00	\$0.00
HABITUAL OFDR	CRIME VICTIMS	\$0.00	\$0.00
DOC/SAPP PGM	COST	\$0.00	\$0.00
DRUG	FINE	\$0.00	\$0.00
	MUNICIPAL FEES	\$0.00	\$0.00
	DRUG FEES	\$0.00	\$0.00
	ADDTL DEFENDANT	\$0.00	\$0.00
	DA FEES	\$0.00	\$0.00
	COLLECTION ACCT	\$0.00	\$0.00
	JAIL FEES	\$0.00	\$0.00
	TOTAL	\$0.00	\$0.00

APPEAL DATE	SUSPENDED	AFFIRMED	REARREST
()Y()N	()Y()N	()Y()N	()Y()N

REMARKS:

THIS IS TO CERTIFY THAT THE
ABOVE INFORMATION WAS EXTRACTED
FROM OFFICIAL COURT RECORDS
AND IS TRUE AND CORRECT.*Kathy Coulter*

KATHY COULTER

06/07/2001

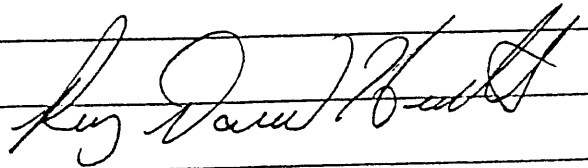
OPERATOR: JDS
PREPARED: 06/07/2001

CC01-30
36

7/11/01

I, Roy D. Heath AM Formally
requesting THAT, I AM asking for AN appeal/hearing
For The charges I WAS sentenced For, ON
May 31, 2001. I signed A plea Bargain, THAT
now I feel I WAS coerced into signing
by my Lawyer (John Britton). I do NOT Agree
with two of The Three charges. Please give
this Matter great consideration, for I have
A Family to support AND I should be working
for them, NOT sitting in Jail.

Thank You,



Russell Cty. Jail

Roy D. Heath

P.O. Box 640

Phenix City, AL

36868

FILED IN OFFICE
2001 JUL 11 AM 9:31
CLERK/USL COURT
RUSSELL CO., AL

000088

ACR371

ALABAMA JUDICIAL DATA CENTER

NOTICE OF APPEAL TO THE ALABAMA COURT OF CRIMINAL APPEALS
BY THE TRIAL COURT CLERK

IN THE CIRCUIT COURT OF RUSSELL COUNTY

STATE OF ALABAMA VS HEATH ROY DAVID

JUDGE: GEORGE R. GREENE

APPEAL DATE: 07/11/2001

INDIGENCY STATUS:

GRANTED INDIGENCY STATUS AT TRIAL COURT:	-----	YES	--X--	NO
APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:	-----	YES	--X--	NO
INDIGENT STATUS REVOKED ON APPEAL:	-----	YES	--X--	NO
INDIGENT STATUS GRANTED ON APPEAL:	-----	YES	--X--	NO

DEATH PENALTY: NO

APPEAL TYPE: OTHER(SPECIFY) -----

THIS APPEAL IS FROM AN ORDER DENYING A PETITION (I.E., RULE 32 PETITION, WRIT OF HABEAS CORPUS, ETC) OR FROM ANY OTHER ISSUED BY THE TRIAL JUDGE.

CO/CASE NUMBER: 57/CC 2001 000036.00

ORDER ENTERED(DATE): 04092001 PETITION: --DISMISSED-- --DENIED-- --GRANTED--

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 04/09/2001

DATE OF SENTENCE: 05/31/2001

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 57/CC 2001 000036.00
CODE: UDCS CONVICTION: UNLAW DISTRIB COACTION: GUILTY PLEA
STATUTE: 13A-012-211
ACTION: GUILTY PLEA
STATUTE: 13A-012-213

CODE: VAPF CONVICTION: POSS MARIJUANA 1

SENTENCE: CONF: 30 YRS 00 MOS 000 DAYS
SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEWD: NO

POST-JUDGMENT MOTIONS FILED: DT FILED

DT DENIED

CON BY AGREE

---	MOTION FOR NEW TRIAL	-----	-----	-----
---	MOTION FOR JUDG. OF ACQUIT	-----	-----	-----
---	MOTION TO W/D GUILTY PLEA	-----	-----	-----
---	MOTION FOR ATTY TO W/DRAW	-----	-----	-----
---	OTHER	-----	-----	-----

COURT REPORTER(S):
ADDRESS:WILSON, LINDA S.
C/O HON. GEORGE R. GREENE
PHENIX CITY, AL 36867APPELLATE COUNSEL #1:
ADDRESS:BRITTON JOHN M
P O DRAWER 1188
PHENIX CITY, AL 36867
205-298-7062

PHONE NUMBER:

APPELLATE COUNSEL #2:
ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):
ADDRESS:HEATH ROY DAVID
3 TRAPPER DRIVE
PHENIX CITY, AL 368670000

AIS #:

APPELLEE (IF CITY APPEAL):
ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 11th DAY OF July, 2001.

OPERATOR: JDS
PREPARED: 07/11/2001

CIRCUIT COURT CLERK

000089

THE STATE OF ALABAMA VS. HEATH ROY DAVID

HEATH ROY DAVID
C/O RUSSELL COUNTY JAIL
PO BOX 640
PHENIX CITY AL 36868 0000

CASE NUMBER: CC 2001 000030.00
PARTY NUMBER: DEFD

CC 2001-30
CC 2001-36

DUE TO THE DEATH OF YOUR ATTORNEY, MR. JOHN BRITTON, YOU WILL BE
CONSIDERED TO BE PRO SE AS TO YOUR PENDING APPEAL.

ATTACHED ARE THE FORMS YOU OR YOUR NEWLY RETAINED COUNSEL SHOULD
COMPLETE AND RETURN TO THE CIRCUIT CLERK'S OFFICE AS SOON AS POSSIBLE.

NOTICE ISSUED ON: 08/06/2001

CLERK: KATHY COULTER

(08/06/2001) SHG

STATE OF ALABAMA
PLAINTIFF,
VS.
ROY D. HEATH
DEFENDANT.

)
)
)
)
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)
)
)
)
)
)

IN THE CIRCUIT COURT OF
RUSSELL COUNTY, ALABAMA
CASE NO.: CC 01-30,36

ORDER

The Court taking into consideration the defendant's written Request for appeal hearing, it is therefore,

ORDERED, ADJUDGED AND DECREED that the request for appeal hearing is denied.

DONE this the 9th day of August, 2001.


JUDGE, CIRCUIT COURT

FILED IN OFFICE
2001 AUG - 9 PM 4:33
CLERK OF COURT
RUSSELL CO., AL

State of Alabama Unified Judicial System Form C-10 Page 1 of 2	AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER	Case Number <u>CC 2001 30/36</u>
---	--	-------------------------------------

IN THE District Circuit COURT OF Russell, ALABAMA
 (Circuit, District, or Municipal) (Name of County or Municipality)

STYLE OF CASE: State v. Roy O. Heath
 Plaintiff(s) Defendant(s)

TYPE OF PROCEEDING: CRIMINAL CHARGE(s) (if applicable): _____

☐ CIVIL CASE-- I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.

☐ CIVIL CASE-- (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the court appoint one for me.

☒ CRIMINAL CASE-- I am financially unable to hire an attorney and request that the court appoint one for me.

☐ DELINQUENCY/NEED OF SUPERVISION-- I am financially unable to hire an attorney and request that the court appoint one for my child/me.

AFFIDAVIT

SECTION I.

1. IDENTIFICATION

Full name Roy O. Heath Date of birth 12-23-60
 Spouse's full name (if married) Teresa V. Heath
 Complete home address 989 Lee Rd. L40
Salerno, AL 36874
 Number of people living in household 4
 Home telephone number 334-448-7322
 Occupation/Job Cardenter Length of employment unemployed
 Driver's license number 7277142 *Social Security Number 259-27-1658
 Employer _____ Employer's telephone number _____
 Employer's address _____

2. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)

☐ AFDC ☐ Food Stamps ☐ SSI ☐ Medicaid ☐ Other NO

3. INCOME/EXPENSE STATEMENT

Monthly Gross Income:

Monthly Gross Income \$ 0
 Spouse's Monthly Gross Income (unless a marital offense) 480.00
 Other Earnings: Commissions, Bonuses, Interest Income, etc. _____
 Contributions from Other People Living in Household _____
 Unemployment/Workmen's Compensation, _____
 Social Security, Retirements, etc. 300.00
 Other Income (be specific) spouse's Child Supp. \$ 780.00

TOTAL MONTHLY GROSS INCOME

Monthly Expenses:

A. Living Expenses \$ 415.00
 Rent/Mortgage 110.00
 Total Utilities: Gas, Electricity, Water, etc. 200.00
 Food _____
 Clothing _____
 Health Care/Medical 40.00
 Insurance _____
 Car Payment(s)/Transportation Expenses _____
 Loan Payment(s) _____

Form C-10 Page 2 of 2 Rev. 2/95

AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

Monthly Expenses: (cont'd page 1)

Credit Card Payment(s) _____

Educational/Employment Expenses _____

Other Expenses (be specific) _____

Sub-Total

A \$ 765.⁰⁰

B. Child Support Payment(s)/Alimony \$ _____

Sub-Total

B \$ _____

C. Exceptional Expenses \$ _____

TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only)

\$ 765.⁰⁰

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME

\$ 15.⁰⁰

4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit)

\$ 0

Equity in Real Estate (value of property less what you owe)

0

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe)

0

Other (be specific)

Do you own anything else of value? ☐ Yes ☒ No

(land, house, boat, TV, stereo, jewelry)

If so, describe _____

TOTAL LIQUID ASSETS

FILED IN OFFICE
2001 SEP 10 PM 3:10
DISTRICT COURT
RUSSELL CO., AL

\$

5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

10th day of September, 2001Debra Presson
Judge/Clerk/Notary

Affiant's Signature

Roy David Heath
Print or Type Name

ORDER OF COURT

SECTION II.

IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:

- ☒ Affiant is not indigent and request is DENIED.
☐ Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ _____ toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows: _____
☐ Affiant is indigent and request is GRANTED.
☐ The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that _____, is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.

Done this _____ day of _____, _____

Judge

Time to appeal conviction has elapsed. Defendant

000093

In the Court of Criminal Appeals of Alabama
 Lane Mann, Clerk of Appellate court
 Lane Mann, Clerk of appellate court

State of Alabama,	) Case No.: Case # CR -0002143
)
Plaintiff,	) For Appeal
)
vs.)
)
Roy David Heath,)
)
Defendant)

COPY

Motion For The Appointment of Court Appointed Attorney
 And Motion For Enlargement of Time

Defendant Roy David Heath respectfully requests that this Court enter an order appointing a court appointed attorney to represent him on this appeal. In addition, the Defendant asks for an enlargement of time in order to allow the court appointed attorney the opportunity to adequately represent the Defendant in this appeal:

1. Defendant was convicted of Unlawful Distribution, Unlawful Distribution, Possession of a Controlled Substance. In the Circuit Court of Russell County on May 31, 2001.
2. Defendant was represented by Attorney John Britton at his trial. Since the trial, Attorney John Britton has died. Defendant was represented at the trial by a paid attorney. Because the Defendant is now incarcerated and cannot work, the Defendant cannot afford to hire a new attorney to represent him in his appeal.
3. Defendant filed an affidavit of hardship showing his indigence (a copy of this denial is attached)

with the trial court and asked the trial court to appoint a court appointed attorney to represent him in his 'appeal. The trial court denied the Defendant's request for a court Appointed attorney. The trial court's order is attached.

4. It is not possible for Defendant to hire him an attorney to represent him in this appeal. The Defendant has used up all his available resources in paying his trial attorney to represent him. If the Defendant is not given a court appointed attorney, the Defendant will be deprived of his legal and constitutional right to appeal and have council.
5. Once the court appoints a court appointed attorney to Represent the Defendant, the court appointed attorney would need an enlargement of time in order to adequately represent the Defendant in this appeal.
6. For these reasons, Defendant respectfully requests that This Court enter an order appointing a court appointed attorney to represent him in this appeal. In addition, Defendant respectfully asks that this Court grant an enlargement of time to the court appointed attorney.

Respectfully submitted this the 1st day of October 2001,

Roy David Heath

Pro Se

Roy David Heath
Fountain 3800
Atmore, Al. 36503
AIS # 21-73-44

000095

Certificate of Service

I hereby certify that I have this the 1st day of October 2001 served a copy of the foregoing upon all respondent judges and counsel in this matter by placing a copy of the foregoing upon all respondent judges and counsel in this matter by placing a copy of same in the United States mail with sufficient postage affixed thereon as follows:

Attorney General
State of Alabama

Roy David Heath

Pro Se